

2916.45

T H E

Frauds and Abuses

O F

DAGENHAM-Breach.

THE

FRANCIS AND ABIGAIL



OF

DUNCAN H. M. BAKER

In

Lo

A N
Impartial Account

O F T H E
Frauds and Abuses

A T

Dagenham Breach;

And of the *Hardships* sustain'd by

Mr. William Boswell,

Late U N D E R T A K E R of the
Works there.

In a Letter to a Member of Parliament.



London, Printed for John Morphew, near
Stationers-Hall. 1717.

A N

Important Account

OF THE

Trades and Affairs

AT

London

And of the House of Commons

Mr. William Boscawen

late Under Secretary of the

Treasury

In a Letter to a Member of Parliament

London

1752

Printed

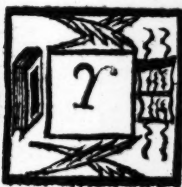
Printed for J. Boscawen, at the

Printers Office, in St. Dunstons Church-yard

Da
in
ott
stre
Sta
too
App
you
offe
me
is

A N
IMPARTIAL ACCOUNT
OF THE
Frauds *and* Abuses at
DAGENHAM-BREACH, &c.

S I R,



OUR Zeal for the *Publick Service* hath been clearly seen in the Pains you have taken, among other Worthy *Patriots*, to enquire into past *Mis-managements*; and to reform all *National Abuses*, and the *Grievances* of your *Fellow-Subjects*. Honest Men applaud this *Discerning and Active Spirit* of yours; which does indeed, in some Measure, make you a common *Resort*, and very often draws upon you the *Trouble* of other People's *Distresses and Complaints*. But you know the *Dignity* of your *Station*, and the *Extent* of your *Influence* in the *Legislature*, too well, to be unconcern'd at the necessary and seasonable *Applications* of the *Oppressed*. As you judge *Uprightly*, you will deal *Impartially*; and will rather be pleas'd, than offended, with an *Address* of this Nature, which is sincerely meant for your better *Information*. DAGENHAM BREACH is a *Business*, that by no means comes in *Competition* with

with those weightier *Matters*, that have been before you ; but however, ſince it hath been declar'd by a *Parliamentary Judgment* to be a *National Concern*, and to touch us in the moſt ſenſible Part, our *Navigation* ; and ſince by an *Act* made for that purpoſe, the *Auditing* of all *Accompts*, and the *Conſideration* of all *Contracts*, and other *Matters* relating to the *Breach*, are in a particular manner referred to the *Judgment* of the *Two Houſes*, as the *Laſt Reſort* : we have reaſon to hope, that this Affair will be thoroughly examin'd at a proper *Time* ; and what *Time* ſo proper as now, when the *Work* is at its *Criſis* ? We doubt not of being reliev'd in this Caſe, by the ſame wiſe *Defenders* and *Preſervers*, who have already reliev'd us in many others ; and that an effectual Remedy will be provided againſt thoſe growing Evils, which ſo many of Your Country-men, and the Publick (who are wounded through their Sides) do at preſent labour under.

You was not in *Parliament*, when this Matter firſt came in *Queſtion* ; and therefore that you may be the better qualify'd to form a right Judgment of it, when it ſhall be again brought before Your *Houſe*, it is neceſſary I ſhould recapitulate all the Steps that have been taken to remedy this Misfortune, from the time it firſt ſubſiſted ; and trace the Management of the *Work* through all its Parts, with proper and natural *Observations* upon the moſt remarkable Particulars ; ſo that you may be let into the *Whole Secret*, and the World, as well as your ſelf, ſee clearly into the *Reaſons*, why this *Work* has been ſo long unfiniſh'd ; why it is at preſent in ſo unpromiſing a way of being compleated ; who have been the Obſtructors of it ; who the real Sufferers by it ; how it comes to paſs, that the Charge upon the Publick is ſwollen to ſuch an exceſſive Bulk, and for what *Reaſons* the only Perſon, who hitherto appears moſt willing and beſt able to accompliſh the *Work* upon very reaſonable Terms, hath been diſcountenanc'd, vilify'd, and oppreſs'd, in ſo ſhameful and cruel a Manner ? You will ſoon be able to answer all theſe *Queſtions*, upon a full Survey of the *Cafe*

at large; and will know how to do the *Publick* Justice, and to relieve the Oppressed, when the Fault comes to be laid, as it ought, at the Door of *One* or *Two* selfish Men; who have prey'd upon the Nation's Charity, have converted to their own Use, what was intended for the Relief of their Suffering Country-men; and made their Markets of a Common Calamity.

On *December* the 17th, 1707, there happen'd a violent Storm, which beat down the Banks and Dams of the *Levels* of *Havering* and *Dagenham*, in the County of *Essex*, and made a *Breach* in the Walls of those *Levels*; so that by an Inundation of the *River* of *Thames*, above a *Thousand Acres* of Land, valued at about *three Pounds* an *Acre per Annum*, were laid under Water: and the *Owners* of those Lands came to be in danger of losing the Profits of them for ever; unless the *Breach* could be stopt, and the *River* reduc'd within the Bounds of its antient Channel. This Inundation occasion'd a *Shelf*, or *Sand-Bank* to grow up near the *Mouth* of the *Breach*, which reach'd almost half-way over the *River* in Breadth, and near a *Mile* in Length; and was adjudged, without speedy Remedy, to be a great Obstruction to the *Navigation* of the *River* of *Thames*; and might in time utterly destroy it. Nothing therefore was to be neglected, that might be apply'd as a Cure for so dangerous an Evil: The Calamity was look'd on as General and National; the *Navigation* of the *River* being of the utmost Importance, not only to the *City* of *London*, but to the *Trade* of the whole *Kingdom*.

When this Misfortune first happen'd, the *Society* of the *Trinity-House* at *Deptford*, the *Courts* of *Conservancy*, held under the *Lord Mayor* of *London*, and the *Commissioners* of *Sewers*, seem'd to be the proper *Resort* for Relief. Those of the *Trinity-House*, fearing that, in all likelihood, the Work might bring a Charge upon their *Society*, took Care betimes to exempt themselves from their Share of the Burden, by delivering a *Formal Judgment* to the
House

House of Commons, that the *Breach* was not any Obstruction to the *Navigation* of the *River*: So that the Matter rested intirely with the *Land-Owners* and *Commissioners of Sewers*. Accordingly Men were set to Work; and the first *Undertakers* were *John Motte* and *John Cole*; who cannot indeed be so properly called *Undertakers*, because they work'd by the *Day*, and were soon oblig'd to desist.

After them came one *James Harvey*, who with a few *Materials* of no great Value, made a very inconsiderable Progress; and being a Man of no great Skill or Experience in Operations of this Nature, was soon forc'd to quit; his Method of Working being by no means approv'd of, nor attended with any tolerable Prospect of Success. And yet he appears to have been paid for his Time, Trouble and Expence, to the full Value, by the *Land-Owners*: for so far as I can learn, this Man had 20 s. a Day, as well as those before him; and if so, he can no more be reckon'd an *Undertaker* than the former.

After him came one *William Jackson*, who made some further Progress, and staid longer upon the *Works*, than his Predecessors had done. He appears to have made some sort of Formal Contract, and was to have had 6000 l. upon compleating the *Work*. By this time the *Commissioners of Sewers* had laid very severe Taxes at several times upon the Lands that were Overflow'd, in order to re-imburse his Expences, and to enable him to proceed: And alter he had gone on for some Months, being at first well supply'd with Money, and there appearing no great hazard of any Loss, and some small Prospect of finishing the *Work*, this was an Inducement to several others to come in, and join themselves with *Jackson*, as Partners in the *Undertaking*.

Accordingly *John Ward*, of *Hackney*, Esq; a Gentleman of a considerable Fortune, and great Interest (being at that time a Member of Parliament) makes himself a Partner with *Jackson*; and having call'd in others of his Friends,

Friends, as particularly *Col. Bennet, Mr. Lettaker, Mr. Mahew, &c.* soon got the start of *Jackson*, who was afterwards treated only as an *Under-Agent*, and himself plac'd at the Head of all Affairs at the *Breach*, having the sole Management in his own Hands.

It does not yet appear, what was *Jackson's* first *Contract*, or whether there really was any *Contract* in Writing made and duly executed, between him and the *Land-Owners*, or the *Commissioners of Sewers*: Thus much however was Fact, that he undertook the *Work* for 6000*l.* and thereby set aside *Mr. William Boswell*, who at that time propos'd to do it for 10000*l.* and afterwards upon the Condition of advancing ready Money, even for 7500*l.* and was allowed by all, who knew him, to be a Man conversant in *Works* of that Nature; having serv'd the *Navy* 36 Years, and 26 thereof as a *Warrant Officer*, and who was then in Circumstances to give any reasonable *Security* that should be required.

But to return once more to *Jackson*: He soon became a meer Cypher at the *Breach*, after *Mr. Ward* was once engag'd. Money began now to flow in apace: The *Commissioners of Sewers* granted *Mr. Ward* whatever Taxes he could demand to be laid upon the *Land-Owners*: Payments were made *Monthly*, and at shorter Dates, when required. *Mr. Ward* had the Disposal of every Thing; and he took care to streighten *Jackson* in such a manner, that he was soon dismiss'd from the *Work*, and at last thrown into a Jail; where he now lies, complaining of the Hardships he receiv'd from *Mr. Ward*; upon whom he charges all his Sufferings, having (for ought yet appears) been regularly enough paid for his Labour and Trouble, till such time as *Mr. Ward* came in to be his Partner.

This Gentleman, being now sole Manager, and having by his Interest tax'd the *Lands* to such a Degree, that the *Owners* were at last oblig'd to make Sale of their Estates; himself becoming the Purchaser of a great Part of them, at very low Prices (for which Grievance the

Parliament

Parliament have since provided some Remedy by a *Clause of Redemption*) it was reasonable to expect, that under all these Advantages, some Progress should be made, and the *Work* brought to a Conclusion. All the Money that could be raised by *taxing* or *selling* the overflow'd Lands, was at Mr. *Ward's* Disposal: When this Expence fail'd, he had a Reserve by resorting somewhere else, having sufficiently try'd his Interest by prevailing on the *Trinity-House-Men* to retract their former Judgment; and to declare that the *Breach* was an Obstruction to the *Navigation* of the *River*. He had more than *two Years* time to finish in, quick *Payments*, *Hands* enough, favourable *Summers*, and above 28000 *l.* was advanc'd him at several times. With these Advantages he did indeed bring the *Breach* to a *Closure*; the *Stop* was made, and great Rejoycings, at a great Expence, ensu'd upon that so happy Occasion. But the *Work* was so weak, and for so long a time, and at so vast an Expence, carry'd on in so unskiful and unmasterly a Manner, that it soon gave way upon the first boisterous Tide, and the *Levels* were again overflow'd in a more calamitous Manner than before.

The Friends of *this Gentleman* pretend to give out, that a very little Expence more would have Fortify'd the *Closure* against all Accidents. Suppose that were true; where must the Fault lie, but at his door, who had the Money in his Hands, and the Power to make what Additional Works he pleas'd? But in Fact, the Case was otherwise. Notwithstanding the pretended Skill of some of Mr. *Ward's* Friends, who join'd with him in that Undertaking, the *Work* was slight, and many of the *Materials* unfit for such Service. Of this the best Proof is *Trial* and *Experience*; which *Trial* the *New Works* were by no means able to abide, at least not so long as the *Old Ones*: and if they came not up in Strength and Firmness to the *Old*, how is it possible they should stand any such accidental Shock as had formerly overturn'd

them

them, when they were better settled, and had for so many Years stood the Violence of all Tides and Weathers?

Things were now at a worse pass than ever: the *Breach* lay open; no Money could be rais'd upon the Lands; *Undertakers* were frighten'd and discourag'd; and no Redress could be had, but by Application to the *Parliament*. But before I trace it thither, it will be necessary to make some obvious *Remarks* upon the *Facts* already laid down; which will serve to give you a great deal of Light into *After-management*, and prevent your Surprize at some of the extraordinary *Passages*, in the remaining Part of this *Account*. And,

1. I believe, *Sir*, your good Judgment will oblige you to concur with me in *observing*, That whilst this *Undertaking* was look'd upon to be of a *private* Nature, and to concern only the *Land-Owners*, no indirect Methods were us'd, to draw Men into Fraudulent *Contracts*. Men of Substance were not ty'd down to hazard their *All*, upon a visible Uncertainty; nor to enter into *Articles* against *Storms* and *Tempests*: Allowances were made for Accidents of this kind; no Advantages taken of any little unavoidable Defects in Point of Time; nor was any body requir'd to *insure* upon *Divine Providence*, or guard against an un-expected Calamity. The Labourer was then thought worthy of his Hire; and they, who were employ'd in this Work, had their just Recompence for Time and Trouble; tho' they miss'd of the *Reward*, by not accomplishing the *Undertaking*. *Motte*, *Cole*, and *Harvey*, were paid by the *Land-Owners*; so was *Jackson*, and those under him; at least they had a Recompence, tho' perhaps not equal to their Demands. For as to *Jackson's* present calamitous Condition, he very justly charges that upon the dexterous Management of *Mr. Ward*, and not upon the *Land-Owners*; for whilst he work'd for them, his Pay, being regular, gave him Encouragement to go on, and does not appear to have

B

fallen

fallen much short of his Demands. Mr. *Ward*, the next *Undertaker*, has certainly no Reason to complain; he was not stinted in Time, he had Summers enough, and those very favourable: He rais'd what Money he pleas'd, and refunded none; he has had 28000*l.* and to this very Day never accounted for above 16000 or or 18000*l.* What Forfeits has he incur'd, or what Money has he flung back? He has both the *Money* and *Land*, and yet fail'd, as well as his Predecessors; and where can he shew any Work done, to one Quarter of the Value of what he has receiv'd? Were he to be treated in the manner he would now treat others; had he been unreasonably stinted in Time, or should he be oblig'd to refund *All* for Non-performance, he would hardly have it in his Power to be so active as he now is in this Affair; and might perhaps be reduc'd to a Necessity of joining Company once more with *Jackson*, and as he was his Partner in the Works, take a share of his present Afflictions. The *Land-Owners*, who were the first Sufferers, would have been unpitied by their Countrymen, if they had communicated their Sufferings to others, instead of easing themselves under them; or if they had drawn in a set of *Undertakers* and *Workmen*, perhaps of as good Substance as themselves, only to ruin them by a *Project*, without ever paying them for their Labour. Were this the Case, Mr. *Ward* had certainly never been an *Undertaker*; but they were too honest and generous to offer at any thing like it, in open Violation of all Moral Equity and Justice. And why then should Mr. *Ward*, who has been so well rewarded for *Non-performance*, treat better Workmen than himself, with so much Inhumanity? Why should he, who has been so great a Gainer by other People's Sufferings, go on (as he does) to make those the greatest Sufferers, who have done most Service to the Publick? This, *Sir*, is the *First Observation* I would make; and I must intreat you to carry it along with you, to the End of the *Account*; and apply it,

it, wherever Mr. *Ward's* Name shall be brought in Question.

2. I would in the next place *observe* to you, That from the Beginning of this Misfortune, there have been notorious Proofs of *one*, or *more* Persons, engaging in it, whose palpable Design hath been to lay hold of a *Publick Calamity*, and make their *private Advantage* out of it. How else can you reconcile the Behaviour of *Men*, giving one Judgment one Day, and another the next? How comes it to pass, that the *Land-Owners* are thus heavily tax'd, and yet no *Security* given for the Money, nor any *Account* forth-coming? Nay, their very *All* is sold, to secure that *All*; and whilst the honest Labourer is starving in a Jayl, the Person, who takes Possession of his *Scheme* and *Effects*, is even rewarded and enriched for spoiling them; and for leaving every thing in a worse Condition than he found it. When the *Work* should have been done at a *publick Charge*, this Person undertakes it at the Expence of the *private Sufferers*; and when he had got their Estates, under Pretence of securing them, then comes upon the Publick to secure his own; and even there opposes the Payment of the honest Workman and Labourer, who had done his best to accomplish it. When he is an *Undertaker* for the *Land-Owners*, he will be paid more than he hath earn'd; and when by that Money laid out, he is become a *Land-Owner* himself; others, who have done more than himself, shall not be paid by the Publick, if he can hinder it.

Judge, Sir, What Spirit *this Man* is of; and when you dip further into the *Case*, what I now hint to you of his Selfishness and Partiality, will then be made clear, beyond all manner of Contradiction.

I think, Sir, I am now Regular enough in my Proceeding, to acquaint you with the Progress of this Affair, after it came to be a *Cause* in *Parliament*. There, Mr. *Ward* was the most zealous *Solicitor*, even when a *Member*, as he has ever since been the most active *Manager*, with a

View all along to his own Interest. He had already tasted the Sweets of being concern'd in this *Work*, whilst there was Money stirring ; he found there was now an opportunity given him of pushing for a much larger Sum at the Publick Expence, and had hopes of coming in for his Share in the fingering of it.

The *Act* was propos'd in the *Twelfth Year* of the late *Queen* ; and there being no considerable Opposition as yet advanc'd against Mr. *Ward's* Projects, he had the chief Hand in drawing up the *Bill*, as he was the most forward to procure its passing into a *Law*. This Piece of Service he charg'd to the *Publick Account*, at the Rate of 300 *l.* and made it a Debt upon the next *Undertaker*. I shall leave it to you, *Sir*, who are so good a Judge of *Parliamentary* Affairs, how far that Expence may be deem'd unreasonable ; especially when the *Act* appears, and is declar'd, to be a *Publick Act*, and therefore should not have cost any thing. But certainly Mr. *Ward* was the most improper Person to make this Charge, because in his private Capacity he was to be the greatest Gainer by the *Act*, being now become one of the chief Owners of the *Lands* ; which, at the Publick Expence, were to be recovered by stopping the *Breach*.

However, not content with this Advantage, he had the Modesty to offer a *Proposal* for a *Tax* for 14 *Years*, such as would have produc'd a Sum little short of 81144*l.* and that himself, or his Agent, would undertake the *Work* for 36000 *l.* This *Exorbitant Proposal* had probably succeeded to his Wish, had not a considerable Check been at this time put to his Proceedings, by Mr. *William Boswell's* interesting himself in the *Affair*.

I have already hinted to you part of the *Character* of this *Boswell*, as to his Skill and Knowledge in Works of this Nature ; which was so well known, that it soon made Way for his Promotion in the Service of the *Navy* ; and stands confirm'd by the *Certificates* and *Attestation* of the best *Workmen* and *Mechanicks* now in *England*.

Boswell

Boswell had view'd the *Breach*, and knew, if he had fair Play, that he should be able to perfect what was propos'd. He saw into the Extravagance of *Mr. Ward's* Offer, and therefore resolv'd to interpose, out of a remarkable Regard for the Publick Service. It was in a great Measure owing to his Applications, that the *Duty* was brought down from 14 Years to 10, whereby the Nation sav'd near 40000*l.* and this was the first Reason of his incurring *Mr. Ward's* Displeasure, who now found his Measures broken, and a visible stop put to his Career.

Several *Honourable Gentlemen*, enough dissatisfy'd with *Mr. Ward's* Management, and knowing *Boswell's* Abilities, had engag'd him to undertake the Business: and accordingly whilst the *Bill* was depending, he gave in a printed *Proposal* to the *House of Commons* (being the only Person, who appear'd publicly on this Occasion) in which he offer'd to stop the *Breach* for 21000*l.* provided 8000*l.* were immediately advanc'd upon *Credit*, to begin the *Work*; and the remaining 13000*l.* to lie as a *Depositum*, till a *Survey* should be order'd, and a Report made of the *Work's* being compleated; which was left to the *House*, to be done in such Manner, as they should appoint. He propos'd further, to lay his *Scheme* before any Skilful *Engineer*, or other *Judicious* Person or Persons, for their Approbation; excepting such, as were, or should be concern'd in the *Undertaking*. This was the Substance of his *Proposal*, which is printed, N^o. 3, with other *Original Papers*, referr'd to on this Occasion, in an *Appendix*, at the End of this *Letter*, to be perus'd at Leisure, for your better Information.

Had this *Proposal* of *Boswell's* been accepted, tho' but in Part, by that *House of Commons*, they might have ty'd him down, or any other *Undertaker*, to what Security they pleas'd; a reasonable *Term* of Years (no doubt) had then been allow'd, and the Application of the Money from time to time ascertain'd under proper *Checks*;

so that *Boswell* had met with fair Play, and the Work been, in all probability, compleated long before the *Ten Years* were expir'd. But *Mr. Ward's* Interest and Sollicitations prevail'd: He was a *Legislator*, and *Boswell* only a *Proposer*: The *House* thought fit to leave the Matter to *Trustees*: *Mr. Ward* had the Chief Management of the *Bill*: to which however the Wisdom of *Parliament* made several *Amendments*, and so it pass'd into a *Law*; and the Substance of the *Act* was as follows.

That a *Duty* be laid upon *Ships*, coming into the *Port* of *London*, at 3 *d. per Ton*, on *Coasters* at 3 *s. per Voyage*, and on *Colliers* at 1 *d. per Chaldron*, to continue for 10 *Years*; and to be apply'd to the stopping of *Dagenham-Breach*. The *Act* to be put in Execution by *Trustees*, therein named, being above an *Hundred* in number; whereof *Nine* to make a *Court*. The *Acting-Trustees* to choose others in the room of those deceased, or who should refuse to act. The *Trustees* to appoint a *Receiver* or *Collector*, and a *Treasurer*. The *Moneys* to be paid in every *Month*, or oftner. *Accompts* to be stated twice a *Year*, and these with *Copys* of *Contracts*, &c. to be laid once every *Year* before each *House* of *Parliament*, within 20 *Days* after *Session* open'd. Money might be borrowed at 6 *per Cent*, on the *Credit* of the *Duties*; and when that was repaid, *Interest* and *Principal*, and the *Work* finish'd, an *Adjudication* to be made by the *Trustees*, and thereupon the *Dutys* to cease. The *Act* is declar'd to be a *Publick Act*, and the *Trustees* are required to proceed, as soon as conveniently might be, to the Receiving of *Proposals*. This is the Substance of the *Statute*, which you will see at large in the *Appendix*, N^o. 1. and on the *Tenth* of *July*, 1714. it came to be in Force.

Here, *Sir*, you will give me leave to make some plain *Observations* upon this *Act*; which I will do with all imaginable Submission to the *Legislature*, and within the Limits of that *Duty*, which every good and faithful Subject is bound to observe.

1. It is remarkable, that by the Strength of *Mr. Ward's* Interest at that time, no Inquiry was made into past *Mis-managements*, no Provision order'd for a *Retrospect*; but *Mr. Ward* is suffer'd to go away with 28000 *l.* of the *Land-Owners* Money, the best part of which is at this time unaccounted for. Perhaps the *Legislators* had Reason to believe, that this, being a Matter of *Private Property*, might as well be settled and determin'd by the *Courts of Westminster*, as in *Parliament*; provided *Mr. Ward* could be brought to wave his *Privilege*. But however, one would think, he should have been contented with this Favour and Advantage. Besides, as *Mr. Ward* was now become so considerable a *Land-Owner* in the *Levels*, it had been as reasonable to tax his Lands (at least to a Proportion of the Charge) as it was reasonable in *him* and *his Friends*, to tax the former *Land-Owners*, to a degree, even beyond what they were able to bear. For tho' the *Breach* was now declar'd to be a *Publick Damage*, and an Obstruction to the *River*, yet it did not therefore cease to be a *Private Nuisance* to those, whose Lands were still under Water; and who therefore might have been justly charg'd with their Proportion of the Expence. Certainly *Mr. Ward*, who came to be a *Land-Owner* by such extraordinary Methods, and who had made so great an Advantage of this Calamity, did not deserve so much more Pity and Tender-ness than the first Sufferers. They had lost *All* by the Inundation; he had got *All* by it; and if they were justly tax'd by the *Commissioners of Sewers*, he might certainly as justly have been tax'd by the *Parliament of Great-Britain*. The *First* Sufferers were not now in Possession, and so could not be affected by a new Tax; and the Purchasers of their Lands came in by the *Breach*, and since that Calamity happen'd; so that they had no such Claim for Relief. But so tender was the *Parliament* of their Fellow-Subjects Property, that they rather chose not to lay any *New Duty* upon the

the Lands, and thereby made it easier for the *Old Owners* to redeem them, having provided for that Redemption by a Clause on Purpose; of which however they can have no Benefit, unless Mr. *Ward* comes to a fair Reckoning with them. This was plainly another Advantage on his side of the Account, and might have been enough to satisfy any reasonable Man but himself.

2. As to the *Act* it self, it is easy to observe, that the plain Intention of the *Parliament* was, that the *Work* should be begun, and entered upon with all imaginable Expedition. This any one may see by the Tenor of that Clause, which directs the speedy receiving of *Proposals* for which there was good Reason, lest the remaining part of the Summer should be lost, the *Act* commencing in *July*. And on the other Hand, by their granting so long a Term of Years, no less than *Ten*, and even that Term short of Mr. *Ward's* Proposal by *Four Years*, the Design of the *Legislators* apparently was, that the *Undertakers* or *Undertakers*, should have a fair Allowance of Time to finish the Work in, and not be stinted to an unreasonable short Period, provided their Work were in other Respects approved of.

But, *Thirdly*, The most remarkable Observation to be made upon the *Act* is, that by directing *Monthly Payments* of the *Duties*, or oftener; and by a Clause for the advancing any necessary Sum upon *Credit*, the Design of the *Parliament* plainly was, that every *Undertaker* should be paid for his Work and Materials, as he from time to time proceeded: And with all due Submission, this Limitation upon the *Trustees* is so notorious, that any Detaining of the Moneys arising by the *Duties* in private Hands, must be construed to be a Breach of the *Statute*, and falls little short of an *Embezzlement*.

I know, Sir, I am writing to a Man, than whom no one is a better Critick in the Language of *Parliaments*,

more skilful and exact in the Nature and Stile of *Statutes, Bills, Cases*, and other Writings of this Kind. Your *Profession* and *Abilities* have made this sort of Knowledge habitual to you. If the *Wording* of the *Law* now in Question, were not quite so clear, or so full and exact, as might be expected; the *House* thought there was a sufficient Provision made, by appointing so many good and *honourable* Men for *Trustees* to execute the Statute; and the Case requiring Expedition, they were the less concern'd for the Largeness of that Trust, which they repos'd in *such Commissioners*, in whose Hands they knew it was safe. There being also a *Clause* for a *Yearly Audit* to be laid before every ensuing *Parliament*, till the *Act* should expire, that *Clause* was a further Security, and gave every succeeding *House of Commons* a Power and Opportunity to ascertain, amend, and explain, any doubtful or defective Points, without any *new Law* for that purpose.

Sir, You are not insensible of the Methods that have been often taken to defeat the best Designs; and sometimes even those very *Provisions*, which were meant for the publick Security, have been artfully perverted to private Interest, by crafty and over-reaching Men. The *Trustees* nam'd in this *Act*, are more than a *Hundred* in Number; whereof only *Nine* are to make a *Court*. Among the *Hundred* are *Gentlemen* of undoubted *Honour* and *Integrity*, Men of the clearest *Characters*, and of great *Estates*; whose *Virtues* and *Fortunes* set them above all manner of *Temptation*, and with whom a much larger *Trust* might be safely deposited. But some of these *Gentlemen* are often in the *Countrèy* upon their *Estates*, or employ'd in other *Parts*, where their more immediate Attendance is requir'd. Others have been call'd up by His present Majesty to the *House of Peers*; and of these, One particularly, who is certainly as good a Judge of Works of this Kind, as any in *Europe*. Not a few of them are wholly taken up with the Business of *Parliaments*,

C

and

and Mr. *Ward* having taken Care to croud *himself*, and a good Number of *his Friends* into the *List*; in Fact, Things have been so manag'd, that *Twelve* or *Fourteen* is commonly the utmost Number any *Court* hath consisted of; *Nine* being empower'd to do the Business of a *Hundred*. Mr. *Ward*, and *his Friends*, the *Trinity-House-Masters*, and some of the *Commissioners of Sewers*, are constant in their Attendance, and never fail to make a *Majority*; and among these *he* governs and presides. Several *Courts* have been called, where only *Six* or *Seven* appear'd, and so no Business could be done. The *Major-part* of the *Whole Number* never attended at all; and a great many of the *Remainder* never came above once or twice, and so had no Oppertunity of inquiring into the whole and intire Management of the *Trust*.

If therefore under these Circumstances it shall appear, that things have been carried on in such a Manner, as the Publick has too much Reason to complain of; certainly, *Sir*, the Faults of a *few* can never be imputed to those, who had no Hand in them; nor can any *Man* of *Honour*, whose Name is in this *List*, think it a *Reflection*, to have an Inquiry of this sort made, with the utmost Freedom and Impartiality. So far from this, that it seems to be rather a *Vindication* than a *Reflection*, to have the Innocent seperated from the Guilty, and to shew the World the difference. Even *some* of the *Commissioners* themselves have frequently complain'd of their being over-rul'd by *Numbers*; and others, after once or twice attending, have been so dissatisfy'd with the Proceedings of former *Courts*, that they have given *that* as a Reason for their coming no more.

Such is the Esteem and Veneration, which all the agrieved *Partys* profess to have for the *Trustees* in general, that if an Inquiry of this Kind might serve as a Caution to the *Whole List*, and bring in at least a *Majority* of them to one Free General Court, where all former Proceedings, as well as the present State of the

Breach,

Breach, might be fully and impartially examin'd ; they would readily submit their Cause to such a Determination, without any other Resort. Several *Worthy* and *Honourable Trustees* might then have an Opportunity of vindicating themselves in Person ; past *Mis-managements* might then be remedied, and those Complaints cease, for which there hath been too much Reason given, during their Absence.

If it shall appear, that several *Courts* have been held, to which many of the *Trustees* were never summon'd at all ; that other *Courts* have been held by *private Summons*, so as to prevent the Attendance of Persons agrieved, and to hinder a just *Account* from being laid before the *Parliament* ; that *Contracts* have been made in Breach of the *Act* of *Parliament* ; that Money hath been advanc'd, even before any *Contract* was duly *executed*, and at other times *withheld* and not *applied*, when the *Act* and the *Publick Service* requir'd it ; that *Trustees* attending, have required others, not attending, to sign *Instruments* they never heard debated in *Court* ; whereby many of the *Papers* to be laid before your *House*, are not so *Authentic* as the *Law* requires ; that *Parties* in the *Profits* of the *Dutys* have had the greatest Share in the *Execution* of the *Act* ; and that there hath been a notorious *Combination* to defeat the *Statute*, to obstruct the *Stopping* of the *Breach*, and to spin out the *Duty* to a very unreasonable Charge upon the Subject : if all this shall appear (as it will certainly be made most plain and evident) then is there all the Reason in the World that the *Non-attending Trustees* should do themselves what Justice they can, before it be too late : And when such Methods are us'd to prevent and defeat all Applications for that Purpose, it is high time for the injur'd Subject to address to the *Parliament* ; where, by our *Constitution*, is the *Last Resort*, and where in a particular Manner all Complaints arising from this *Case* are to be heard, by a *special Clause* in the *Act* of *Parliament* made for that Purpose.

I have done at present with my Observations upon the *Statute*; the Freedom of which I know you will readily pardon: for if the Subject be wholly debar'd from such Inquiries, it is impossible any *Law* should ever come to be Explain'd or Amended; and what the Inconveniencies of that *Restriction* would be, you, or any other good Subject, must plainly see and acknowledge.

When the *Act* pass'd, and came to be in Force, the *Trustees* gave out *Advertisements* for receiving *Proposals*. *Boswell* was one of the first to make a Tender of his Services, and very honestly stuck to his former Offer of undertaking to stop the *Breach*, for 21000 *l*. There were Six other Persons, who made *Proposals* at the same Time, and among these Capt. *Perry*; but *Boswell's* was found to be the most fair and reasonable. He fell short in his Demands of all the rest; and the *House*, to whom he alone had apply'd, did not think his Offer unreasonable. The *Trustees* could make no Objection as to his *Skill* and *Abilities*: He was a Man of Substance, able to give *Security*; and no other *Undertaker* appearing afterwards, whose *Character* or *Proposals* were in any Degree so promising, they clos'd with his Offer, and at length came to an *Agreement* with him.

I have already observ'd to you, how far *Boswell* had incurr'd Mr. *Ward's* Displeasure, by putting him by his Exorbitant Demand of 36000 *l*. and a Tax of 81144 *l*. He was now become an *Acting Trustee*, and therefore could not be concern'd in the *Work*, unless *underhand*: and he knew very well, *Boswell* was not a Man proper to be treated with by him for that Purpose. Some Attempt however was made to tamper with *Boswell*; and accordingly One offer'd him 3000 *l*. to desist. This, *Boswell* very honestly disclos'd to the Court of *Trustees*; and the Person was call'd in, who own'd he made the Offer, and that he was to have something for himself, if he had prevail'd; but he would not declare who set him to Work, and there that Matter rested. When this *Trick* fail'd,

fail'd, the next Business was to distress *Boswell* in his *Contract*, to stint him in point of *Time*, to lower him in his *Demands*, out of a Pretence of saving the Publick Money, and to discourage him all they could. So that if he fail'd, *Mr. Ward* might once more come in Play ; there would be still Money enough left to finger, and he should have *Boswell's Scheme* to go upon, into the Bargain. In all these Designs he has succeeded but too much to his Satisfaction.

When *Boswell's Offer* came to be consider'd of, *Mr. Ward* and his Friends beat him down to 18000*l.* which is just one Half of what he propos'd to have for himself, when he was the *Undertaker*. Nor would his Conscience permit him to rest here, but at another Meeting, his Friends gave out, that there were Men in the Country (themselves knew best in what Country) who would undertake it for less ; so that *Boswell* must still come lower, and at last they brought him down to 16300*l.* but under very strange Restrictions and Limitations, as I shall by and by shew you.

Mr. Ward made all the Delays he could, in the drawing, altering, correcting, signing, executing, and exchanging *Boswell's Contract*, and was heard to say, in a rejoicing Manner, That he had ty'd him up to hard Measures, or Words to that Effect ; and such Trustees were at length left to be Partys in it, who (excepting one or two) had the least hand in the Contrivance. These unreasonable Obstacles were enough to deter any *Undertaker* ; and had *Boswell* desisted, *Mr. Ward* would have been hard put to't, to find a Friend of his own, to Sign the *Contract* under such Disadvantages. But *Boswell* knew his own Strength well, he had review'd the *Breach*, was well assur'd he could accomplish it ; and I think he has since given the World good Reason to believe that he was no Adventurous Chimerical Projector, and that the Hopes he went upon were solid and well-grounded. Thus he chose even such a *Contract*, rather than accept of 3000*l.* which

which had been clear Gains to him, if he would have made room for others, and been brib'd from serving the Publick.

Before I mention the *Contract* to you, it is necessary to acquaint you, that *Boswell* is a plain, well-meaning *Mechanic*, wholly addicted to the *Rule* and the *Plummet*; a Man not vers'd in *Forms of Law*, nor by any Means a fit Match for a subtle cunning Adversary, who will take Advantage of the *Letter* of a *Contract* or *Instrument*, of his own contriving. He trusted to the *publick Faith* of *Parliaments*; he believ'd he had *Men of Honour* to deal with, and he hopes he shall not find himself mistaken. He is sensible he has done his Part honestly and truly; and what is here said, is not offer'd with Design to exempt him from any one just and reasonable *Article* he is bound up to; but by way of Abatement for plain and notorious *Hardships*, and to extenuate for his engaging upon no better Terms. This being premised, be pleas'd to take the Substance of the *Contract*, as follows. You will find it at large in N^o. 3. of the *Appendix*.

Therein *Boswell* agrees to stop the *Breach* in the *Levels* of *Havering* and *Dagenham*, of the *Width* of 400 *Foot*, or thereabouts, and to repair the *Walls*, *Banks*, and other *Works* belonging to the same, within the space of 15 *Kalendar Months*, to be accounted from the *Day* of the *Date* of his *Contract*. And further, to repair and make good the *Walls*, *Banks*, and other *Works* belonging to the said *Levels*, for the Space of *Forty Yards* on each side of the *Breach*, so as that the *Thames* should not overflow them, for the space of *Two whole Winters*, after compleating the same. And further, to make good all *Cuts*, which should be thought necessary to be made in the *Old Wall* of the *Levels*; so as that the *Thames* should not overflow, during the said Term of *Two Winters*; this also to be done within the said 15 *Months*. And further, *Boswell* contracts, within the said Term to repair and amend all the *Walls* belonging to the said *Levels*

vels, between *Rainham-Creek* and the *Point of Land*
 Westward of the *Half-way-Tree*, to the Satisfaction of
 15 *Trustees*, 5 to be chosen by the other *Trustees*, 5 by
 the *Land-Owners*, and 5 by *Boswell*; the *View* to be made
 one Month after *Boswell* should be intituled to the *First*
Payment. And further, within *Four Winters* after the
 stopping of the *Breach*, to remove and carry away a
Shelf or *Sand-bank*, at the Mouth of the *Breach*, of near
 a *Mile* in *Length*, and reaching almost *half-way* cross the
River; so that the *River* should be 6 *Foot* deep above the
 said *Bank*, at *Low-Water*, upon a *Niep-Tide*. The
Trustees on their Part agree, to pay *Boswell* 6000*l.* one
 Month after he had so secur'd the *Breach*, as that the *Ri-*
ver should not at the *Highest Tides* overflow the *Levels*;
 and 4000*l.* more, when the *Breach* and *Walls* are intirely
 finished, in the Judgment of *Ten* of the *Trustees*, 5 to be
 chosen by the *Land-Owners*, and 5 by *Boswell*; the *Re-*
port to be made upon a *Survey* taken, one Month after
 so compleating the *Works*. And the Remaining Sum of
 6300*l.* with *Interest* at 6 *per Cent* from the Time of
 such *Judgement* made, is to be paid at the Expiration of
 the two *Winters* (to be computed from the 29th day of *Sept-*
ember to the 23d day of *April*) next after the finishing
 all the *Works* contracted for by these *Articles*, to the sa-
 tisfaction of the *Trustees*, signified under their Hands, at
 a *General Meeting*; and after removing and clearing the
Sand-Bank or *Shelf* in the said *River*. Lastly, *Boswell*
 contracts to *Refund* all such Sum or Sums of *Mony*, as
 he shall have at any time received, in Case he fails
 in any part of his *Contract*, or make good the *Damage*.
 And further, he agrees to give a *Bond* of 2000*l.* *Pe-*
try, at the Time of the *Executing* of his *Contract*,
 to perform his Part of the *Articles*, *Covenants*, &c.
 or before he receives his first *Payment* of 6000*l.*
 Second *Bond* of 8000*l.* for the like Performance
 of his *Covenants*, &c. on his Part to be per-

This

This is the intire Substance of the *Contract*, which is between *Nine Trustees* therein named, their *Executors* and *Administrators* of the *one Part*, and *William Boswell* his *Executors* and *Administrators* of the *other Part*. It is *Dated* above, the *5th* of *August*, 1714, in the *first Year* of *His Present Majesty King GEORGE*; and at the *Bottom*, *Sign'd* and *Seal'd* the *Day* and *Year* first above *Written*. On the *Back* is *endors'd*, *Sealed* and *Delivered* in the *Presence* of *us*, *David Le Gros*, *Thomas Jelson*.

Thus you have *Boswell's Contract* fairly laid before you; the *Management* of which was chiefly under the *Direction* of *Mr. Ward*. It is probable he would have *deferr'd* this *Matter*, and loaded it with more *Obstacles*, had not the *Face* of *Publick Affairs* received a visible *Alteration* at that *Time*, by the *Accession* of *His Present Majesty King GEORGE* (whom God long preserve) to the *Crown* of *Great Britain*. This happy Incident *Mr. Ward* believ'd might make some *Alterations* in his *Interests*; and therefore he was willing to let the *Contract* go, under all the *Disadvantages* to *Boswell*, which he had already loaded it with. Accordingly an *Order* was made to have it sign'd by *such* and *such Trustees*; which was done in a *Hurry*, just four *Days* after the *Accession*.

Before I part with this *Contract*, I must make some *Natural* and *Necessary Observations* upon it, which will set the whole *Affair* in a much clearer *View* before you.

1. First, *Sir*, I must desire you to take *Notice*, that though this *Agreement* was made the *5th* of *August*, 1714, and is said to be *Sign'd* on that *Day*; yet in *Fact* it was never legally *Executed* till the *7th* of *October* following - and accordingly you find no *Date* to the *Indorsement*: no as a farther *Obstacle* it was not *exchanged* till a *Month* after. These *Delays* were occasioned in a great *Manner* through *Mr. Ward's Management*, and prov'd *Obstruction* to *Boswell's Proceedings*. It could not enter upon the *Work*, till the

executed, which was in *October*; and then his Term of 5 Months was to be reckon'd from the Date of the Contract, which was in *August*. Here you see, by this Piece of Contrivance, he was, even at his first setting out, visibly depriv'd of *Two whole Months* out of *Fifteen*; and how great a Loss this must be to him, any Competent Judge in Works of this Nature may very readily determine.

2. It must be consider'd, That these *Two Months*, which he was depriv'd of, were some of the very best Months in the Year for Works of this Kind. Let Mr. *Ward* and his Friends be Judges of this Matter; for from *September* to *April* following is all *Winter*, even according to their own Way of Reckoning, as set down in the Contract; so that here was in Effect a further Loss of *Six Months* more out of *Fifteen*; in which Time, i. e. from *September* to *April*, little else could be done, than only the laying in of Stores, and providing Materials. Whence it appears, that *Boswell* had really no more than 7 Months in Effect to compleat the Work in. And had he not been depriv'd of the latter Part of the *Summer* in 1714. he might probably have so far conquer'd the first Difficulty, and have made such an Advance, as would have enabled him to bear up against the Rigours of the Winter Season. Now what a *Hardship* was this upon *Boswell*, even at his first setting out! What a subtle and ingenious Piece of Management was this, to defeat his Contract, even at the time of making it; by a plain Violation of the equitable Designs and Purposes of the Legislature! What could be the Reason of these Delays, where the Parliament requir'd so much Expedition? And if *Boswell* could not by Law claim any Benefit, in Virtue of a Contract not executed, why should not his Time be reckon'd only from the Date of such Execution?

3. In the next Place, Sir, be pleas'd to take Notice, That this Abridgement of *Boswell's* Time, who was in Effect stinted to 7 or 8 Months, was, on another Ac-

count, still more directly contrary to the plain Intention and Meaning of *Parliament*. When they had laid a *Tax* for *Ten Years*, and order'd *Monthly Payments* or otherwise, to be made for carrying on the Works, can it be suppos'd their Design was, that any *Undertaker* should be tyed down to less than even *Ten Months*? And will any one say, *this Term* bears a reasonable Proportion to *Ten Years*? Such a Restriction therefore (whatever saving Pretences may be alledged) can in no Sense import any thing else, than a palpable Design of frustrating the good Intentions and Wisdom of the *Parliament*.

4. I would also observe to you, *Sir*, that the *Act* imports no more than to provide for the stopping of the *Breach*, by making the *Walls* and *Banks* as firm and good as they were before the *Breach* was made, and removing the *Shelf*, which obstructed the *Navigation* of the *River*. Any thing more than this is so far illegal, that there is no *Law* for it. Will any one say it is within the *Statute*? And can a sett of *Trustees* any more justify their Proceeding without *Law*, than their going contrary to it? But this must be added to *Boswell's* other Hardships; and he is required not only to make good the *Breach*, and remove the *Shelf* or *Sand-bank*, but also to repair the *Wall* for above 40 *Foot* on each side of the *Breach*; which *Wall* is really no Part of the *Breach*, and hath hitherto stood all Weathers ever since the first Calamity happen'd. However, if this were all, a conscientious *Undertaker* might readily enough submit to it; but not satisfy'd herewith, they oblige *Boswell* further, to make good and repair all the *Walls* and *Banks*, quite from *Rainham-Creek* to the *Point of Land* Eastward of the *Half-way Tree*, which is about *Four Miles* in Length; and all this to be done at the same *Price*, and within the same Compass of *Time*. As well might they have oblig'd him to take Care of all the Shores between the *Bridge* and *Gravesend*, by a like equitable Construction of the *Statute*: For I find, when their Hands are in, *Four* or *Five Miles* is nothing

nothing with 'em : Whereas if there had been any new Fracture in the *Walls* belonging to that Part of the *Levels*, there should consequently have been a new Charge ; and more Money had been granted to make it good at the Expence of the Publick. For I would ask any of these *Gentlemen*, Were any of these *Walls* beaten down at the Time of the passing of this *Act* ? Or, was there any *Breach* there, or any *New Shelf* beyond *Rainham* ? But it is very plain, that the Ruin of the *Contractor* was aim'd at in this *Article* ; for if never so many *Breaches* had happen'd in these *Walls*, during his Time, he had been hereby oblig'd to make 'em good, tho' at the Expence of double the Sum he was to have received of the *Trustees* : Or this perhaps was meant for a Complement to the *Trinity-House-Masters*, and *Commissioners* of *Sewers* ; since it was plainly a Piece of *Work* not comprehended in the *Act* of *Parliament*, and bore no more Relation to the *Sand-bank*, or the *Inundation* upon the *Levels*, than to *Rocheſter-Bridge*, or the *Old Docks* at *Blackwall*. So that here also was another, as plain and violent a *Breach* in the *Act*, as ever was made at *Dagenham*.

5. I observe further, that this *Work* from *Rainham-Creek* to the *Half-way-Tree*, tho' perfectly out of the Question, is yet in a more particular Manner taken Care of in this *Contract*, than even the *Breach* it self ; for *Boswell* is oblig'd to finish this intirely, within a *Month* after he became intitled to his *First Payment*, that is, when the *Breach*, his Main *Work*, was only so far stopt as to keep out the *River* from over-flowing it at the *Tree-Highest Tides*. Whence it is plain, that this was an Obstruction to his *Main-Work* ; not being founded upon the *Act* of *Parliament*, and palpably contriv'd to hinder, what that *Act* was on purpose made to promote. Besides, as a further Instance of their more especial Care of this *Four-Mile-Work*, it is to be view'd and approv'd by no less than 15 *Trustees*, Five to be chosen

by the *Land-Owners* (but whether those of *Havering* and *Dagenham*, or the *Land-Owners* near the *Half-way-Tree* and *Rainham* is not said) *Five* by the other *Trustees*, and *Five* by *Boswell*: Whereas the stopping of the *Breach* was to be adjudg'd only by *Ten*, *Five* to be chosen by the *Land-Owners*, and *Five* by *Boswell*. So that here is another remarkable Difference, still to the Disadvantage of the *Breach*, so particularly provided for by *Parliament*: And in either of these Cases, for want of a *Survey* or a *Report*, *Boswell* was to lose all his Money, and to be made the Instrument of his own Ruin. For,

6. *Sir*, be pleas'd to take Notice further, how many Uncertainties this Method of appointing and choosing *Surveyors* is attended with, all to the Prejudice of *Boswell*; and you will wonder yet more at the Increase of his *Hardships*, every step you take. Various Disputes might arise about the *Choice* to be made by the *Land-Owners*; whose *Number* cannot, according to this *Contract*, be easily ascertain'd or collected. This would occasion very prejudicial Delays: there might also be an *Equality* of *Voices* in so small a Number of Men, if all the *Fifteen* should not happen to attend; and where *Boswell* had only *Five Trustees*, to *Ten* chosen by the other *Trustees* and the *Land-Owners* (among whom Mr. *Ward* would be sure to have so considerable an Interest) he must inevitably run the Hazard of being crush'd at once: at least he would be sure to suffer in Point of Time, which on his Part was become so precious an Article. Withal you cannot avoid remarking, that in this Part of the *Contract* one of the *Parties* does plainly undertake to be absolute Judge of the other, even to a Power of utterly ruining him, and depriving him of all the Benefits on his Side of the Agreement.

7. I observe further, that in this *Contract* *Boswell* is obliged to promise, at the Hazard of his *All*, that in *Two Winters* after stopping the *Breach*, his Works shall not be demolish'd; or in other Terms, that no *Storms* or *Tempests*

ing and *Tempests* shall happen, nor any *secret Enemy* destroy what *ay-Tree* had erected. I will not add to your Amazement at *es*, and his *Article* : Let the *Trinity-House-Masters* speak their *Breach* impartial Judgment of it. This, in effect, is contracting *sen* by *gainst Providence* ; and surely no Man would run this *here* is Hazard, but upon much better Considerations. What *antage* *Office of Insurance* must *Boswell* resort to, in order to save *Parlia-* himself from this *Clause* ? And can you imagine, that a *a Sur-* *Parliament*, whilst they were relieving a Company of *and to* Poor Sufferers from one Calamity, would give any *Trus-* *ees* a Power of exposing their Fellow-Subjects to a *many* *other* ? In all *Deeds* of this Nature, there is a *Reserve* *oothing* *gainst* such kind of *Visitations* ; and if Mr. *Ward* had *f Bos-* given the like *Security* against the Storm that happened in *ase of* his Time, his Estate and Fortune had been long since *sputes* swallow'd up in that Inundation.

Land- 8. I take notice further, that after stopping the *Breach*, *s Con-* *Boswell* is allowed a Term of *four Winters* more, in which *would* he is to clear and carry off the *Sand-Bank*. Here again *be an* the first and greatest Piece of Service to be done to the *if all* *Publick*, is postpon'd, and taken Care of last. And yet *e Bos-* this is by far the easiest part of the *Work* ; so that if it *other* were thought reasonable to allow *Boswell* so long a time *Ward* (in all no less than *six Years*) for finishing the easiest and *) he* least expensive Part of the Work, certainly there was as *once* much Reason he should be allowed more Time than *Time,* he had, to finish the most difficult and most expensive *article.* Part, *i. e.* the *Breach*.

Part 9. In all these Cases, and under every *Article*, and *rtake* *Clause* of an *Article*, where there were so many Judges, *er of* and so many Men to be satisfied, *Land-Owners* as well as *Bene-* *Trustees*, if *Boswell* fail'd in any the least Point, the *Pe-* *nalty* all along is, not the Loss or Forfeiture of a Re- *is o-* ward only, but his *intire Ruine*, and the utter Overthrow *Two* of himself and Family. And certainly it is plain enough *not* already, and will soon appear much plainer, that he could *s or* not well avoid being utterly ruined under such heavy and *pests* unreasonable Incumbrances.

10. We have thus seen, what he was to *undertake* 12
 let us now see, what, and how he was to have been paid,
paid. The design of the *Parliament* certainly was, that a
 larger Sum than 16300 *l.* should be expended, since
 they had granted a Tax for more than 50000 *l.* and as to
Grants of this Nature commonly fall short, rather than
 exceed. Out of which Sum if any thing was to be got
 the *Projector*, who ran so great a Risque, had the best
 Title to it. The *Parliament* did not think *Boswell's* Pro-
 posal of 21000 *l.* unreasonable: Mr. *Ward* demanded
 almost twice as much. Was there any Reason for the
Trustees to beat him down so low in his Price, at the same
 Time that they put so much *Work* into his Hands, more
 than ever was intended to be done? In both Cases they
 went besides the *Act*; by giving a *Less Price* than the
Legislature design'd, and by crowding more *Work* into the
Undertaking, than he was by the *Statute* obliged to per-
 form.

11. These were great *Hardships*, and worse were
 still to follow, if we consider in what manner his 16300 *l.*
 was to be paid him. No doubt the *Parliament* intend-
 ed, both by their ordering *Monthly Payments* or oftener
 and by their *Clause of Credit*, that the Publick Money
 advanc'd upon the *Dutys* should be apply'd from Time
 to Time, to defray the Charge of Men and Materials
 in such a manner, that if no *Undertaker* was enriched, no
 one might be a Loser; otherwise the Remedy would
 prove full out as bad as the Disease. Instead of Second-
 ing these good Intensions, the *Trustees*, or rather Mr.
Ward and his Friends, take a quite different Course
Boswell is to provide Materials, and set Men to Work
 (and Men enough there must be, considering the short-
 ness of the Time) and all this at his own Expence. If
 he succeeded, the 16300 *l.* in their manner of paying him
 would hardly defray his Charge; and if he did not suc-
 ceed, he was to lose all; so that he must stake his Ru-
 in to a Trifle. For,

take 12. Do but consider, in what manner he was to be
 beed, how contrary to the Intentions of *Parliament*,
 that you will soon be brought to commiserate his hard
 circumstances. His *First Advance* was 6000*l.* which
 was to be paid him, when he had so far stop't the *Breach*,
 that at the *River*, at *highest Tides*, should not over-flow the
low levels. Now this is a sort of *Forestalling* him in his
best scheme, and supposes, that he would *Work upwards* upon
 a *Proper* solid and intire Foundation, quite the Length of the
intended breach: which is an impracticable Scheme, and such as
 no Workman ever did, or can pretend to go upon, un-
 less a Way were found to work under Water. He
 was really oblig'd to begin at *each End*, and so by
 degrees to bring it to a narrow *Closure*; and when that
 was made up, and the Works well back'd and fortify'd,
 the Business was done. Through this narrow *Closure*,
 the *River*, both at *High* and *Low-Tides*, must of Ne-
 cessity flow in, to within a few Days before the Work
 was compleated: So that this *First Payment*, in the ve-
 ry Nature of it, could not come to his Hands, till he
 was very near done; and therefore cannot be called an
Advance for enabling him to pay for Men and Materials,
 any with other Debts contracted; but was in Effect the same
 Point of Time (a few Days only excepted) with the
second Payment of 4000*l.* which he was to receive after
 he had finish'd. By this Artifice, so well contriv'd, his
two First Payments are reduced to one; so that let him
 make what Progress he would, not a Penny was
 to be advanc'd, nor any Assistance given him; which
 was plainly another most intolerable Hardship. And
 yet all, when he had finish'd, still if Mr. *Ward* and
 his *Friends* could, upon View, say, That the Work was
 not so firm and substantial as they expected, a thousand
 pretences being easy to be found (and which have been
 since found) for such an Allegation; no Money was to
 be paid him, nor any of his Debts and Charges defray'd.
 All his Work had stood *Two Winters*: For *Boswell* was

to refund, if it did not stand that Trial, whether any such Survey and Judgment were made or no. His third and last Payment of 6300 l. was to be made after those Two Winters were expired, and (says the Contract) after the Sand-Bank should be remov'd, i. e. Four Years after stopping of the Breach. Here again we find the Sand-Bank, which was the first and chiefest Concern to the Publick, taken Care of Last. So remote a Payment as this (and I have already prov'd that all other Payments were, or might be, as remote as this) must needs be a great Help to a Workman for the Defraying intermediate Debts and Charges; and upon the making up of the Ballance, the Overplus (no doubt) would prove a Reward equal to his Merits, worth the Hazards he ran, and highly becoming the Honour of the Government. These were strange and amazing Privileges, and a ready way to prevent an Exorbitant Grant, if it could be accounted for upon the Principle of good Husbandry. Had Mr. Ward been thus paid, he had hardly been number'd at this Day among the Land Owners in the Lowlands.

13. At the Foot of all these encouraging Articles, there is a Clause, which obliges Boswell, in Case he should fail'd, to refund whatever Moneys he should from Time to Time receive: And this is one Hardship mortu'd upon the back of another. For I have already shew'd you, that he was not to receive a Penny, till the Work was done; and if he did the Work, Why, and What must he refund? But God might send a Storm or Tempest in the mean time, and Boswell had engag'd he should not: This was hard; but in Fact he had so engag'd. On the other hand, I have already prov'd, that things might have been so manag'd upon a Survey, that he should not receive one Penny, though he did the Work till it had stood the Trial of two Winters; and then why should he refund, unless he had receiv'd? But if he got over the Survey, still you are to consider, he was

not to receive above 10000 *l.* before the *Four Last Win-*
ters were expired, and he gave *Security* the mean while
 for that 10000 *l.* So that the *Article* of *refunding* was in-
) affirely unnecessary, because he could not be properly said
 to receive; but only to borrow. Nay though he was
 not to be paid as he went on, yet this *Security* extended
 to every individual *Article* and *Clause* of the *Contract*; so
 that he might really have been sued for 10000 *l.* only for
 throwing away 8000 *l.* or 10000 *l.* of his own, without
 putting the Publick to a Penny Expence. His *First*
Bond of 2000 *l.* Penalty, was given upon Signing the
Contract; the other of 8000 *l.* Penalty, he was to give
 before he received the *First Payment*: so that he here
 subjected himself to a Debt of 10000 *l.* upon no Conside-
 ration at all; not being put into the Possession of any
 thing, that can be deemed an Equivalent to such a
 Security.

14. These are the many *Hardships* this *Contract* hath
 laid him under; and indeed I cannot see, from one end
 to the other, any tolerable *Article* or *Clause*, that makes
 much for his Advantage. If there be any, it is this,
 that in Case of Failure, or instead of *refunding*, he should
 make good the *Damage*. These are the Words, as you
 will find in the *Original*. This *Damage Boswell* hath of-
 fered to make good by the best *Security*, and in such Man-
 ner, as that the Publick should not suffer; and I shall
 prove to you at a proper time, that by virtue of this
Clause, *Boswell's Contract* is still good; and he ought
 at this very time to be in Possession of the *Works* at *Da-*
denham: For all that the Publick has, or could, suffer
 by him, is only the Loss of 7 or 8 *Months* Time; which
 is nothing, when compared with the Term of *Years* gran-
 ted by the *Act*; and even these are not lost, if we con-
 sider how much *Boswell* hath done in that Time, and all
 at his own Expence.

15. Before I finish my Observations upon the *Con-*
tract, I must take Notice to you, what a different Part

Mr. Ward has acted, now he is a *Trustee*, from what he did, when he was a *Contractor*. There ought indeed to be a *Difference*; but not quite so wide a one. Would he, think you, have signed such a *Contract* as he has drawn another into? Does he treat others in the same rigorous manner, now *Boswell* is gone, and his own Favourite in Possession of the *Breach*? Why must he have *Years*, and *Boswell* only *Months*? Why must Mr. Ward have 28000 *l.* for doing so little, and *Boswell*, who did so much, not be paid for his Labour? Must he receive without refunding, and *Boswell* refund without receiving? Had he the making of his own Terms, and must he now make Terms for *Boswell*, so different from his own, and indeed from any *Contract*, that ever was in being? I leave him to talk over these Matters with his own Conscience at Leisure; and before I proceed, beg leave to answer an Objection.

It may be asked, how *Boswell* came to Sign such a *Contract*; and why he now thinks it a *Hardship*, to be tied down to his own *Act* and *Deed*?

To this it may be answered; First, That from what hath already appeared of *Boswell's* Character, it can never be supposed he had Skill or Capacity enough, in Matters quite foreign to his Profession and Manner of Life, to put him upon an even Lay with Men of far Superior Cunning and Management; who were Masters of all the Nicetys of the Law, and could form a less artificial *Contract* than this is, and then persuade a well-meaning *Mechanic* to sign it, upon the Equitable Consideration of a good many fair Promises; that no Advantage should be taken of him, nor any little *Punctilio's* insisted on, provided he did his Work well, and fairly made good the Designs of the Publick, so fully expressed in the *Act* of *Parliament*. This was all that *Boswell* had his Eye upon; and therefore was less Sollicitous about *Forms* and *Scruples* of Law. In this Case of the *Articles*, he was obliged to trust entirely to others, and to rely wholly

on their Judgment. If there Mr. *Ward* found an Opportunity of being too hard for him, it is no great Matter of Triumph and Glory on his side, since he might very easily have succeeded against a more Potent and Skillful Adversary.

2. Let it be considered, that *Boswell* had a sure Resort to that Saving Clause in the Articles, *To make good the Damage*; which made him the less careful as to any other rigorous Points. For if he failed in any of them, still if he made good the Damage, his Contract was in Force, and the Publick could be no sufferer. Now that he was all along ready to make good the Damage in the most effectual Manner, and under unquestionable Security, is so notorious, that the worst of his Enemy's will never be able to deny it. And therefore when this Secret comes to be laid open before you, it will be no longer Matter of Surprize, how he came to be defeated in so wretched a Manner: you will soon see, upon whom the first Violation of this Contract is to be placed, and to whose Account the Damage sustained by the Publick ought to be charged. But,

3. You are to take Notice, that whatever Contract was made by and with the Trustees, still *Boswell* knew the best Judgement upon that Contract, the auditing of all Accounts, and the necessary References as to the Progress and Goodness of the Works, were ultimately to be re-examined and determined in Parliament; and this the Act provided for in express Terms. So that whatever the Designs and Machinations of Mr. *Ward* were, *Boswell* was sure being one time or other heard impartially, and did not question to find a Remedy for any Hardships he should be laid under, in his Engagements for the Publick Service. He was therefore not so much upon his Guard, as the Signing of this Contract, or the weighing and examining the several Nicetys in it, so artfully interwoven with another. The Fear of losing more Time oblig'd him to set his Hand in haste, and perhaps he looked to

the *Date* of it, when Mr. *Ward's* Interest began visibly to decline. He took it therefore with all its Disadvantages, and acted clearly upon a View to the impartial Judgment of *Parliament* ; and when the *Cause* comes to that Issue, he is in no Apprehension of failing in his Expectations of seeing Justice done to the Publick, and himself reliev'd in such a manner, as shall be agreeable to *Equity* and good Conscience.

I have now done with my *Observations* upon the *Contract*, and leave it to you, *Sir*, who are so tender of all Cases which concern the Liberties and Properties of your *Fellow-Subjects*, to expatiate in your own Breast upon the intollerable *Hardships* I have hitherto recounted. And when I shall have led you through a Scene of many more and those yet more grievous and pressing, I dare promise my self, you will readily pronounce, that *Boswell's* Case is without Precedent.

After cramping him in his *Contract*, reducing him in Point of *Time*, beating him down in his *Price*, and straitening him in the *Method* of his *Payments*, Mr. *Ward* began to act more under Covert ; and the Proofs against him, as to the remaining part of his Conduct in this Affair, will not therefore be so notorious and undeniable as formerly. Had the Evidence been more clear and uncontested, Mr. *Ward* had long ago heard of this Affair, in another Place, and after another Manner. But however, the Proofs will be such, as will amount to more than a *strong Suspicion*, and may serve to convince any reasonable Man, that instead of preserving the fair and impartial Character of an *Honourable Trustee* for the Publick, he hath descended to the low abject Character of a private malicious Enemy to *Boswell*, and made the Power and Trust repos'd in him by *Parliament*, the *Stalking Horse* to his *Avarice* and *Revenge*.

But to proceed with the *Facts*, in Course of Time After the *Loss* of *Two Months*, from the Time of making and executing his *Contract*, that *Boswell* might not be in-
tirely

ibly entirely depriv'd of the *six Winter Months*, which were now
 van- coming on (the *Contract* not being *executed* till *October*)
 rtial- he drew out, and finish'd his *Plan* of the Works, laid
 es to in proper *Stores* and *Materials*, hired *Men*, and appointed
 Ex- them their Stations according to their Capacities; and
 him- *February*, 1714, even before the Winter was expired,
 o E- set on to work with a sufficient number of Hands, and
 Con- all imaginable Expedition. Though he was put into
 f all Possession of Mr. *Ward's* Scheme, Works, and Materi-
 your als, for which there was all the Reason in the World,
 upon he having been paid for them to more than six times their
 And Value; yet this was no manner of Advantage to him:
 more However, Care was taken to distress him as much as
 pro- possible, even in this trifling Particular. Mr. *Ward*, or his
 well's Agents, convey'd away all the Materials they could; tho'
 m in they were none of his, and the Property, if any, remain-
 and ing intirely with the *Land-Owners*, or (if the *Trustees-Books*
Var can make a sufficient Title) with *Boswell*. This was
 ainly certainly done to defeat *Boswell*, though it happened to
 this be of very little Disservice to him. At first indeed he
 iable were soon found to be of no manner of Use, and in a
 and little time were all thrown by, and never meddled with
 s A since. Nay, it was seen by Experience, that they were
 Bu rather a Hindrance than an Advantage to *Boswell's* Pro-
 more ceedings. The *Plan*, he had been at so much Pains to
 e any invent and draw out, and which he offer'd to the *House*
 and of *Commons*, that they would be pleas'd to order an Ex-
 r th amination of it by any able *Mechannicks* or *Mathema-*
 acti ticians, was far superiour to any Thing of this Kind pro-
 e th jected by Mr. *Ward*, if indeed he ever had any *Plan* at
 Etalk all, which it is reasonable to suspect he never had. This
 Time *Plan* is still to be seen, hath been often view'd by skillful
 akim Persons, to their intire Satisfaction, and much to the Cre-
 e in dit of the Author. Besides, it hath been sworn to as a
 ibly Masterly Draught [See Number 8. in the Appendix] was
 plainly practicable, and when it came to be work'd, e-
 ven

ven Mr. *Ward* himself could not help expressing his Approbation of it, with an uncommon Emotion, for fear *Boswell* should succeed. Such a *Plan* requir'd other Materials, and the erecting of another sort of Works, than any *Boswell* found upon the *Breach*, at his first coming to it. And by this it appears, that he was duly prepar'd that he set out like a Workman, and did not proceed upon wild or fanciful *Chimara's*: All was his own Contrivance, and all at his own Charge.

As to the laying in of *Stores* and other *Materials*, *Boswell* must be allow'd to have Skill enough in that Part of the Undertaking: His Office, as *Purveyor of the Navy* (which he hath discharg'd so long, and so much to the Satisfaction of his Superiours) sufficiently qualifying him to execute this Particular, with Fidelity and Judgment.

The same Reason must plead for him as to his Acquaintance among good *Workmen*, and proper *Labourers*. His Character was such, that he was at no Loss for Men; he had his Choice, and whatever Number the Nature of the Undertaking required. As the Works advanced, he soon rais'd his *Quota* of Hands from 50 to 200, and did not only pay them well, but took such Care in overseeing them, that he became their *Fellow-Labourer*, and work'd frequently for whole Days together, in the most toilsome and fateaguing Part of the Business; not lavishing his Money upon any unnecessary Expences, but contenting himself with an old *Shed* for his own Convenience, such as he found upon the Spot, at his first coming to the *Breach*.

On all these Accounts it appears, with how much Skill, Expedition, Fidelity, and Judgement, *Boswell* proceeded to make good his *Contract*, and to serve the Publick in the most effectual Manner. No Undertaker could have done more: No one hath done half so much since, with ten times the Encouragement; nor was any before him able to go through so much Work in

two or three Years, as he hath done in two or three Months. The Prospect was as promising as could well be expected; and if Boswell had not met with the most forward Usage in Nature, the Work had been intirely finished long ago, more to his own Satisfaction than Advantage; and no doubt with the intire Approbation of the ensuing Parliament.

You may see, Sir, by the Contract, that there was as yet no necessity for a Survey to be made; however, the Works were in such Forwardness, and Boswell proceeded with so much Skill and Expedition, that it was thought highly convenient, a Survey should be made; Boswell himself being very much pleased with it. Accordingly in April 1715, two Months after he began to work, there came down a Committee of the Trustees, who view'd the Works, examined the Men, and after a strict Survey, approved all that had been done, and certified such their Approbation to the next General-Court. With this Verbal encouragement (for not a Penny would they advance) Boswell proceeded cheerfully; though Mr. Ward did his best to deprive him even of this Little Advantage; for he made several Objections at the General Court, which, some of the Trustees plainly told him, were not consistent with that Opinion, which he had delivered, when he was down upon the view at the Breach; and with this Check he modestly receded, and let the Approbation of the Court pass unanimously.

By the middle of July following, Boswell, whose Scheme was thus honourably approv'd, had Work'd upon with extraordinary Skill and Dilligence; and raised Bank of 160 Foot broad, on each side of the Breach, which he had by Degrees brought from 500 Foot Width, to a Closure in the middle of only 30 Foot; Care being taken in the mean time to carry off the Back-Water, by proper Sluices of a Masterly Contrivance; the Works being as much exposed to this Back Water, as to the Sides and Current of the River. The filling up this Closure

Closure of 30 *Foot* was the finishing *Stroake*, the very *Crisis* of the *Work*: this was all the *Breach*, that remained to be stopt; and though all imaginable *Care* had been taken to make this *Experiment* with the least *Hazard* imaginable; yet *Boswell* resolved to proceed with the utmost *Caution*, and having more than three *Months* of his time still good, would not run any unnecessary *Hazards*, by being too hasty in this last and most *Critical* Part of his *Undertaking*.

He had now brought the *Whole* to a very narrow *Issue*: all, who saw, approved his *Method*: near thirty skilful *Mechanicks* and *Workmen*, particularly conversant in *Undertakings* of this *Nature*, had signed a *Certificate* for him [see No. 9 in the *Appendix*] expressing their *Approbation* of what he had done; in such *Terms*, as might oblige *Boswell* to conceal it, were it not since made absolutely necessary to his *Justification*. It was now taken for granted, that the *Work* would be finished. *Boswell* was congratulated and wished *Joy* on all *Hands* even by some of the *Trustees*; and *Mr. Ward* himself told one *Hall*, that this *Fellow*, meaning *Boswell*, would certainly *do the Trick*, and that he had a *Scheme* beyond what they ever thought of, or Words to that Purpose expressing himself at the same time in such a *Manner*, as if he found himself disappointed at this Success of *Boswell*.

Thus had this *Undertaker* done more at his own *Expence* in six *Months* Time, than *Mr. Ward* and the former *Undertakers* had done in several *Years*, at an *Expence*, which all the *Lands* in the *Levels* were not able by *Mortgage* or *Sale*, to bear. What *Pity* was it, that the *Publick* should be deprived of all the *Benefits* of so hopeful an *Undertaking*, only for the sake of ruining one innocent *Man*? And where could those *Men* be found, who would refuse a reasonable *Encouragement* to One, who had done and hazarded so much in the *Publick Service*.

Boswell was now busie in preparing a large *Ship* which was to be sunk in the *Closure* of thirty *Foot*; and had

very by this Time good Reason to believe, that he deserved
 t re his *First-Payment*. He had really done more than if
 Care he had raised a Work to keep out the *High-Tides*, in
 least which Case the Mony was due : but the *Contract* sup-
 with posed he would have work'd from the *Foundation*, where-
 Month as he was really obliged to work from *End to End* : so
 Ha that by this Nicety in wording the *Contract*, he could
 itical as yet make no *Claim*, though in *Equity* it became due ;
 the *Work* upon this *Scheme* being more than *Equivalent*
 w If to that proposed to be done in the Manner set down in
 thirty the *Contract*. Having therefore contracted so many
 rsame Debts, and been at so great an Expence, he only desired
 ficate the *Trustees* to lend him 2000 *l.* of the Publick Mony, al-
 Ap ready advanced upon the *Duties* ; for which he offered
 s as them *Security* and *Interest*. This favour was refused him,
 made though he had laid out four times that Sum, and though
 now the Mony was already advanced, and the *Parliament* had
 shed given them power to borrow what was necessary to carry
 and on the *Works*. This was done too in *July*, when the
 mself *Breach* was in such Forwardness, that they, and every
 ould Body, saw the *Likelihood Boswell* had of succeeding, and
 eyon how near he was come to his *second Payment*, as well as
 pose his first. Mr. *Ward*, who was most forward to have
 r, a him repuls'd, could say nothing against his *Work*, but
 well bid him get his *Ship* ready, and sink her, and then he
 n Ex should see how kind the *Court* would be to him. This
 e for was a surprizing Piece of good Nature. For by that
 n Ex Time *Boswell* would have had no Occasion to borrow
 able 2000 *l.* but soon have been entitled to a Payment of
 , the 6000 *l.*

However, not discourag'd with this Repulse, *Boswell*
 ne i found better Friends elsewhere, and proceeded in his
 wh Business. He had now got his *Ship* ready, and was
 wh within a Day or two of sinking her. This alarm'd his
 vice Adversaries ; and other Measures were to be taken, effe-
 whic ctually to defeat him. For accomplishing this, they
 d ha stuck at no manner of *Villany*, and secret *Enemies* were
 b F employed

employed to annoy him in the Dark, to demolish his Works, and ruin both him and his Undertaking.

Boswell, who has suffer'd so much, is too tender of others, to accuse without Evidence; or to charge a Crime of this Nature upon those, whom there is no Reason to suspect; or to suspect, without Grounds and Cause of Suspicion. Those whom he has detected, appear to be Persons of such mean Circumstances, so little interested in his Affairs, and Persons who had by no means any Opportunity of being prejudic'd against him, that he has good Reason to conclude, they were hir'd and set on; the Mischief in this Case being of such a Nature, that it could not be its own Reward. And as for those, who abetted or employed them, he will only produce his Facts, and leave the World to guess at them.

The *Ship* he had provided at so great an Expence, and which was to be the last Accomplishment of his Work, was sunk in the Night, at her *Moorings*, within a Day or two before she was to have been sunk at the *Breach*. The *Booms* a-cross his *Sluices*, the Flood-gates and *Aprons* were cut and destroyed, and turn'd a-drift. In this one *Parmy* had a Hand, as appears upon Oath [see N^o 7. in the *Appendix*.] who was formerly a Servant of Mr. *Ward*, and the Person who gave him Intelligence from Time to Time of all Transactions at the *Breach*, to whose House Mr. *Ward* and Colonel *Bennet* us'd frequently to come down, and there converse with him in a private Room by themselves. Another Person, a Relation of the present Undertaker, had promis'd *Boswell* Foreman, *Reynolds*, better Business, which he has since procur'd him, under his *Kinsman*; and thereby he was grown so careless and mischievous, that he obstructed *Boswell* all he could; and particularly drove several *Piles* without fastening them, to the great Detriment of the Works. Thus much is plainly sworn against him [see N^o. 10. in the *Appendix*.] And further, that in *July* when

when there was a Spring-Tide, and twelve *Lighters* were order'd to *unliver* their *Chalk*, and all the *Carpenters* and *Labourers* to attend ; this *Reynolds* set them in to drinking at *Parmy's* ; and though he was call'd upon by the other Foreman *Bohun*, to let the Men go, yet he kept them all Day, and made them drunk and unfit for Service ; whereby the Works receiv'd some *Hundred Pounds* Damage. And whenever *Boswell* was out of the Way, or at *London*, upon Business, *Reynolds* would leave the Works, and neglect the Men sometimes for a Day or two together ; which by Reason of the Dependance of the Men upon their Foreman, never came to *Boswell's* Knowledge, till a good while after. Many other *secret Injuries* done to *Boswell* will be legally prov'd in due Time and Place, and to shew beyond all Contradiction, that there was a Resolution taken to ruin him in his Work by any means, it is notorious, that Captain *Perry*, the present Undertaker, was all the Summer long soliciting to be employ'd, and plying the Trustees under Shelter of Mr. *Ward's* Interest and Friendship. For you must know, that *Mr. Ward's* Affidavit plainly proves it, [see N^o. 7. in the Appendix.] that during the whole Affair, Mr. *Ward* [sent constant Intelligence at the Breach, his Spies running to and fro ; so that he sometimes knew of *Boswell's* misfortunes, even before they came to the Knowledge of the poor Sufferer.

These villanous Injuries done to the Undertaker, were much the more heinous in themselves, and more fatal to *Boswell*, as he had the worst Summer that had happen'd in many Years, to finish his Work in. The Rains were frequent and immoderate ; great Storms happen'd, which occasion'd unusual Floods, made the River boisterous, and the *Nieps* sometimes equal to Spring-Tides, wherever the Works were very much damag'd. And this any one may remember, who will be pleas'd to look back to that Season of the Last Year, which could not pass over without being observ'd by many Thousands. These

Mischances must needs be a Hindrance to the best of Workmen; but it appears [N^o. 8. in the *Appendix*] that *Boswell* could have got over this Difficulty. However there was so much the less Occasion for his Enemies to make the Storms and Floods their Confederates, and beset him so strongly within, whilst he was thus violently attacked from without. But it was resolved that he should be ruined; and he was by no means to come at his first *Payment*, which had certainly enabled him to finish his *Undertaking*.

Winter was now drawing on, and the severest *Winter* we all know, that hath been these *thirty Years*; and upon the *fifth* of *November* his *Contract* was to expire. Not discouraged with all this, he proceeded to the Weighing of the *Ship*, and repairing such other Damages, as his *Works* had sustained. By these Means his *Men* came to be called off from the *Works*, to assist in *Weighing*: here by the *Works* were of Necessity neglected for some time; the Season and bad Weather prevailed, and the *Closets* became wider. He was now obliged to provide another *Ship*, and to sink both *that* and the *former*: But then his *Men* were enticed away and discouraged; he lost above an *Hundred* of them; and the rest would not obey their *Proper Officers* and *Directors*. His *Lighter-Men* would not *unliver* their *Chalk*, where they were ordered but kept out, and *unliver'd* where they did little or no Service. [see N^o. 6. in the *Appendix*.] And thus stood his Affairs, as his *Contract* drew near expiring: he lost great deal of Time, was at much Charge, and more mischief was still done him underhand.

He was now certainly become an Object of Pity, as much a Sufferer as the *Land-Owners*, whose Losses was so near repairing. It might have been expected that the *Trustees* would consider the un-foreseen Damages he had sustained, and Inquire, according to the Power, into the injuries, that had been done him and the Publick; but instead of this, when he only applied

the

them, to advance him Money *Per Week*, as the *Duties* came in, and offered any reasonable *Security* for it, this was also refused. So that whether he looked to the *Breach* or to the *Trustees*, his Case was most deplorable, and no promising Prospect from either Quarter. His Men were more discourag'd than ever, a Hardship he had been formerly used to, when *Parmy* brought down *Drums* and *Officers*, and *Voluntiers* were *beat up for* at the *Breach*, under pretence of doing the Government *one Piece of Service*, at the Expence and to the Detriment of *another*. He could not have *Courts* called so often as he wanted them, his Time being now short; his Enemies were in Heart, and his Friends were deterred from supporting him; and in fine, he was exposed to all other Difficulties that a Man could labour under.

In *September* he petitioned to have his *Term of Months* enlarged, in lieu of those, which were taken from him at the Beginning; and then indeed Mr. *Ward* told him, they would advance him 3000 *l.* and this shewed some good Opinion both of the Man and his Works: but *Boswell* was too honest to take the Publick Money, unless they would enlarge his Time. And besides he was to find *Security* for repaying it in less than *two Months*; upon which Terms *Boswell* could not borrow or find *Security*; so short a Time of *Re-payment* being against all Usage. They did indeed promise, not to take Advantage of a few *Weeks*; but this *Verbal* Promise was no Equivalent for the *Real* *Security* he was to provide; and after so many *Hardships* put upon him, he had no Reason to expose others as well as himself to the Mercy of his Enemies. If they would give him more Time, by an *Instrument* under their Hands, he then offered to raise the 3000 *l.* himself, and his Friends were ready to supply him. By this he did effectually answer his *Contract*, which was, in Case of Failure, to make good the *Damage*. He was ready to give all fair and reasonable *Security* for so doing, and more could not be expected from him

him. For to convince you, Sir, that the State of his Works even then, is by no means mis-represented, you will find it deliver'd [*N^o. 6. in the Appendix*] upon the *Oaths* of four able and skilful *Workmen*, how well they were carried on; how much they were approved by others; how easily the *Undertaker* could have finished, notwithstanding all the Damages done to them; of what use they were to the Publick at the Time of *Boswell's* leaving them, and how advantageous a *Scheme* for the *Next Undertaker* to go upon.

In this Manner *Boswell's* Contract was adjudg'd to expire, and his Works were left to be destroyed and ruined, by that rigorous *Winter* which ensued. The Day before the Expiration, Mr. *Ward* came down with some of his *Friends*, and viewed the *Breach*. There he took Care to behave himself so, that the *Workmen* could not help observing, how unhandsome and un-gentleman-like a Part he acted, by shewing himself such an inveterate Enemy to *Boswell*. At parting he declared he would not be at the Court, which he said was to be held that very Day; though he really was the first that appeared at it, and in that Court, *Boswell* desired a Survey; but in a few days after his Contract was declared void, and *Advertisements* were ordered for receiving *New Proposals*. Nay, to shew his spite to *Boswell* in the blackest Colours, he would have had his *Bond* of 2000 *l.* Penalty put in *Suit* against him. And this certainly was Spite with a Vengeance: For *Boswell* had lost his *All*, and never yet received one Penny of the Publick Money: The *Parliament* had laid a *Duty*, which brought in Money daily: they had also passed a *borrowing Clause*, and yet nothing was advanced, for *Boswell* paid all; nay he still offer'd to make good the Damage, so that he had a Right to more Time and his Contract was still in Force. For all which plain Reasons Mr. *Ward's* good natur'd Proposal to sue the *Bond* was over rul'd, and *Boswell* had the Favour not to starve in a Jail, only for ruin-

ing

ing himself, at his own Expence, for the Publick Good.

Here, Sir, we must let the Affair rest a while, and point out to you some plain *Observations* upon these *Facts*; which any Reader of Judgment will be ready to make, though he should run and read at the same time.

1. You will now clearly see through all the Secret of Mr. *Ward's* Management; and truly I think no Man could have shewn a more unbounded *Reach*, in Cases of this Nature, after every Thing which lay in his Way, or could gratifie his Avarice. In the *first* Place, he has got into his Hands *most of the Profits* that could be raised by the *Commissioners* of the *Sewers*, when they *tax'd* the *Land-Owners* at the first opening of the *Breach*: Then he got by far the *greatest part* of the *Moneys*, raised by the *Sale* of those *Lands*: Then he became *Purchaser*, and got most of those *Lands*: Then came the *Statute*, and made it a *publick Tax* only; and so he *sav'd* his *Lands* from any share of the *Burden*: Then he would have recovered his own *Lands* at the *Publick Expence*, for a most *Exorbitant Præmium*, but was disappointed there: Then being willing to have the *Lands recovered*, he let *Boswell* go to *Work*, wholly at his own Expence; himself, or his *Friends* in the mean time retaining or using the *Publick Money*, till he, or his *Agents*, should once more come in *Play*. Hereby he got *Boswell's Scheme* and *Labour* for nothing, and pushed at 2000*l.* besides, of *Boswell's* own *Money*, by suing his *Bond*. Then *Perry*, his *Agent*, is set to *Work*; the *Publick Money* flies, large and quick *Payments* are made; and how far Mr. *Ward* is now become interested, will in its proper place appear. So that upon the Whole, Mr. *Ward* has put his *Sickle* into a very large *Harvest*; he has reaped very plentifully, and without any *Services* done the *Publick*, either when he was an *Undertaker* or a *Trustee*; and after all he would now run away with that, which might have satisfied the *fair Contractor*, paid the *honest Labourer*, restored the *Lands* to the *Right Owners*, and made good the *Navigation* of the *River*.

2. In the next Place, *Sir*, be pleas'd to take Notice that during the whole Term of *Months*, from the Time of the *Act's* being in Force to the Expiration of *Boswell's* Contract, *Money* (as I have already hinted) came in daily; and such a *Duty* was laid on Purpose to carry on the Work, as might produce quick Payments; which were ordered to be made *Monthly*, or oftener, as there should be Occasion. Accordingly we find by the *Minutes* of the *Trustees Books*, laid before the *Parliament*, they did appoint the Payments to be made *Weekly*: But the Disposition of this *Money* hath been very secret and intricate; sometimes it was said to be in *Specie*, and sometimes in *Checquer Notes* bearing *Interest*. The Custody of it hath been often changed, and it was hardly in the same Hands a *Month* together. They have had *Three* or *Four* several *Treasurers*, within the Compass of one Year; and all imaginable Care hath been taken to perplex and darken any *Inquiry* into the Application of the several Sums that have been advanced. This, however, is Fact, that in all that Time, not one Penny of it hath been applied where it should, by the *Act*, have been apply'd from Time to Time, i. e. to the carrying on of the Works at the Breach. Six Thousand Pounds, which by a modest Computation is the *Neat Produce* of the *Duty* within that Time, was a great deal more than would have enabled *Boswell* to finish the Work. One half of it, if it had been applied as the Law directed, would have serv'd his and the Nation's Turn; and he did not offer to touch one Penny of it without unquestionable Security. Nay besides, if the *Neat Produce* were not sufficient, the *Act* gave them Power to borrow upon the *Publick Credit*, and pay *Interest*; provided the carrying on of the Works demanded a greater Supply, than the *Neat Produce* did amount to. But they would neither borrow upon *Interest*, nor lend upon *Security*; and the Works must be carried on notwithstanding. They approved all that was done, but only the paying for

and this is so plain, and so notorious a Violation of the *Act*, and of the *Trust* by that *Act* repos'd in them, that I cannot imagine what Artifices can be invented to palliate or excuse it.

3. I must further observe to you, *Sir*, what an intolerable *Hardship* it was to deprive *Boswell* of the *two first* and *best Months* of his Time, and to expose him to a Necessity of beginning his Undertaking in the *Winter*; and after he had done so much the next *Summer*, and all at his own Expence, not to give him a reasonable Compensation for this Loss, by making it good out of the *Months* next after the Expiration of his *Contract*; when it is plain, such a Compensation and Allowance would have enabled him, notwithstanding all his Misfortunes, to compleat his Undertaking. The *Act* did not put them under any Restraint in this Particular; but, on the contrary, gave them a Power to allow half as many *Years* as *Boswell* had *Months*. If therefore it appears (as what can be more notorious?) that this Refusal of a longer Time hath been the Reason of the Works miscarrying; the Damage sustain'd by the *Publick*, with all the Expence the Nation hath been since put to, must be charged to their Account, who were the Authors and Abettors of this unjustifiable Hardship.

4. I observe besides, that the *Trustees* were *Men* of Power and Authority, sufficient to examine into, and redress any Wrongs, which *Boswell* might be exposed to, in the Prosecution of the Work, by the Malice and Villany of his Enemies; and yet no Enquiry was made into the Injuries, that he and the *Publick* suffered, by Trespasses of this kind; nor any Justice done, or Restraint put upon the Authors of them. Which Neglect, though it more immediately affected *Boswell*, yet through his Sides, was a manifest Obstruction of the publick Service. For it must be consider'd, that *Boswell*, all the Time he was at Work, was really at Work for the *Nation*, and doing their Business, though at his own Expence; and therefore any Misfortune or Calamity, that befell him by ill

Seasons, Storms, or Tempests, or by secret Enemies was so far a publick Calamity, and Allowances ought to have been made for it accordingly. If these Calamities were not to be taken into Consideration, and Relief apply'd, there had been no Occasion for the *Act*, and the Sufferers at *Dagenham* must have been left without Remedy. I do not believe, there is a *Landlord*, or *Owner of Buildings, Works, or other improveable Properties in England*, but does, and will make a reasonable Allowance for Misfortunes of this Kind, to any *Contractor, Labourer, or Workman* under them; it is always express'd or imply'd in all sorts of *Agreements*. But where the Misfortune or Calamity is *Publick*, certainly the *Trustees* employ'd and commission'd by the Publick, to take Care of, and oversee any of their Concerns of this Nature, if they are deficient in this Particular, do manifestly violate and betray their *Trust*, and are justly chargeable with the Damages consequent thereupon.

5. Let it be observ'd, That *Boswell* had a *Right* to demand more *Time*, and his *Contract* is still in *Force*, by Reason of that saving *Clause*, which says, That in Case of Failure, he was to make Good the Damage. Now this Damage he did offer to make Good at his own Expence, if they would allow him more Time; and for so doing propos'd to give unquestionable Security; which he was ready to produce at an Hour's Warning. How should he make Good the Damage without Time to do it in? And what does any *Security* signifie, if it may not be accepted? This is an arbitrary Way of Over-ruling a Man in his Claim of a just *Right*, whereby he is deprived of the Benefit of an *Article* in his *Agreement*, which was plainly intended as a *Salvo* against Misfortunes and Contingencies. If he made Good the Damage at his own Charge, how was the Publick a Sufferer? And by his being debarr'd of his just Claim, to make Good the Damage, how has the Publick suffer'd ever since? So that it was not enough for *Boswell's* Enemies to deprive a single

Subject

subject of his *Right*, but they must also bring an unnecessary Charge upon the Nation in general. And there is all the Justice and Reason in the World, that the Parsons and Contrivers of this extraordinary Piece of Mismanagement, should answer severely for it; and *make good the Damage*, as well to the Nation in general, as to the private Sufferer in particular.

6. In the Close of these *Observations*, I must desire you to take Notice, that if Mr. *Ward*, who hath had so great a Share in these Transactions, were to be judg'd out of his own Mouth, and to have his own *Act* and *Deed* brought in, as Evidence against him, the World would soon see the Difference between him and *Boswell*: they would soon be able to tell who hath been the Nation's best Friend; and he might with good Reason be accus'd of pursuing an honest *Undertaker* with so much inveterate Spleen and Malice.

I have procur'd a Copy of Mr. *Ward's* Project [see N^o. 5. in the *Appendix*] and I beg it may be compar'd with *Boswell's* Contract [see N^o. 2. in the *Appendix*.] and his *Survey* [N^o. 4. in the *Appendix*.] Mr. *Ward* proposes a *Tax* for 14 Years, productive of 80000 *l.* and more; *Boswell* was instrumental in reducing this to *Ten Years*, and saving above 30000 *l.* of the Publick Money. Mr. *Ward* proposes to sink a little *Fleet*, at least a *Squadron*, no less than twenty one *Ships*, in the *Breach*; *Boswell* had done the Work by sinking only one, unless prevented by treachery. *Boswell* desir'd only a *Loan* of 2000 *l.* to make good part of his Works; Mr. *Ward* has charg'd that single Affair about *Shipping* at 10400 *l.* He would not stint himself in Point of *Time*: *Boswell* must be deliver'd of above six Months in fifteen. Mr. *Ward's* *Sluices* are charg'd at 5000 *l.* *Boswell's* only at 600 *l.* Mr. *Ward* charges 36000 *l.* for *Contingencies* and *Accidents*; *Boswell* must run all *Hazards* without any Consideration. Mr. *Ward* must receive from time to time 36000 *l.* *Boswell* is reduc'd to 16300 *l.* without a Penny Advance. Here

indeed was the first Complaint against *Boswell*; and the Source and Original of all his Misfortunes. Here was his Crime, in putting by Mr. *Ward*, and defeating him of so Advantageous a Bargain. Judge now, who has served the Publick best; and let Mr. *Ward* look over his own Project, and then excuse, if he can, his Treatment of *Boswell*.

If, as he modestly proposed, *Boswell* must be sued in an Action of 2000*l.* though he never put the Nation to a Penny Expence; what shall become of those Men, even in his Judgment, who in Spite to *Boswell*, have since brought a Charge of more than 20000*l.* upon their Country? Perhaps they have not given Bond, nor entered into any such Security, as they can impose on others; but however the Parliament, who made the Trust, can easily require an Account of it; and redress the publick Wrongs without any such Formality.

I must still trespass upon your Patience with a Detail of other Facts, consequent upon the Expiration of *Boswell's Contract*.

He did immediately thereupon present the Trustees with a Memorial, in which he insisted to carry on the Works; and because those Works were in so good a Condition, he humbly proposed to them, for the Sake of the Publick, that if they did not think fit to employ him any more, yet it was necessary to set Men to Work, to preserve the Works from being ruined by the Winter, or for want of necessary Repairs. This he thought very proper to be done, his Scheme having been approved, and even sworn to by Skilful Judges, as the best and fittest to be worked upon by any New Undertaker. He was so thoroughly conscious of his having done his best for the Nation, that he could not help expostulating one Day with Mr. *Ward* concerning the Reasons, Why that Gentleman should be to much his Enemy, assuring him, that he only wanted his Friendship, and the Work had been long ago completed. To this Mr. *Ward* replied, that he was but a Digressor, one Man to do Good, but as good as nine to do Mischief.

his Confession! The truth of which *Boswell* hath since
as his bound to his Sorrow.

In the mean time no Notice was taken of *Boswell's* Re-
demonstration, so plainly intended for the Publick Service;
Pro and the more to discourage him, a *Survey* was laid before
Boswell's Trustees, made some time after *Boswell's* Contract ex-
ed in ired, and he had given over working; when Great Da-
n to mages had been done to his Works by his Secret Ene-
even mies, and the *Closure* was become wider by the boister-
since ous and tempestuous Season, and for want of Hands to
their preserve and repair it.

The Persons, who made this *Survey*, were the most
; but prejudic'd to Mr. *Boswell*, such as Mr. *Ward*, Col.
easily *Bennet*, and some of the *Trinity-Masters*. When they
ongs were down, they threatned every Body, who offer'd to
Detail take *Boswell's* Part [See N^o. 8. in the *Appendix*] And par-
Boswell ticularly one of them had been all along so dissatisfied
with every thing that *Boswell* did, that talking one Day
formerly about the Nature of his *Piles*, *Boswell* was for-
usted ced to tell him, that he must send for *Mermaids* from
n the *Greenland*, to come and Calk them under Water. Mr.
Con *Ward* himself, when he was down and headed the *Sur-*
of the *vey*, did in a remarkable manner distinguish himself, by
n-an reviling the *Men* in the most opprobrious Terms; only
pre because they endeavoured, with great Humility and Calm-
or ness, to set him, and the other *Surveyors*, right in their
rope Opinion of the *Works*, and to do Justice to *Boswell*. But
ever they were not to be convinced; and rather than that
to b should happen, Mr. *Ward* put himself in a formidable
ough Posture, and with his *Boat-Hook-Staff* menac'd every bo-
ration ally, who offered to interpose: For the *Report* must be
a M made just as he would have it. By this, Sir, you may see,
noul what I hinted to you lately in my *Observations* upon the
ante *Contract*, how easy it was to defeat him, where his *All*
com was to depend upon *Surveys*. But to return from this
out a Digression, the *Trustees* began now to talk at large, how
generous they would be to any new *Proposer*; and no less
than

than 30000 *l.* was mentioned as a *Premium* for the next *Undertaker*. *Boswell* saw clearly into the Drift of these Sanguine Proceedings; and as he had certainly the best Title of any Man to the Favour of the *Trustees*, threw them in another *Proposal*, and offered to do the Work for 15000 *l.* This was a Baulk to the Expectations of some People; and therefore all Hands were at Work, to set him aside. Mr. *Ward* had tried to terrifie him with his *Bond*; but those Menaces not availing, and the *Trustees* knowing what *Hardships* he had undergone, and having Experience of his Abillitys, were pleased to order, that though there were several other Persons who made *Proposals*, he should have the Preference.

Now then was the time to clogg and defeat him in the making of his *Second Agreement*. He was ready to give unquestionable *Security*, for any Money that should be advanced: and what he had already expended at the *Breach*, was a good Stake there, and of it self an undoubted *Security* for his Performance of the Work. If they were not satisfied with him, he offered to take a *Partner*, one Mr. *Tanner*, a Man of Substance and Skill, who had agreed to give him above 3000 *l.* for his *Effects* at the *Breach*. When nothing of this could be objected against, then a *Resolution* was taken to demand the *Penalty* of 10000 *l.* of him, in Case of *Non-Performance*; all Moneys received to be refunded back, and *Security* given both for those Moneys and the *Penalty* too.

This was an obstacle *Boswell* did not expect, nor did the *Trustees* intend to make it to any other *Contractor*. He might perhaps have given his Consent to such a *Penalty* on his own Account, knowing very well that he was able to go through the Work: but such a *Penalty* was enough to scare any *Security* whatever; and he did not think fit to try his Friends upon so ticklish an *Article*.

Thus was he set a-side, and Capt. *Perry*, Mr. *Ward's* Friend, admitted in his Room; with whom they soon patched up an *Agreement*; and any Favour, that could be asked

asked, was thought too little for this *New Undertaker*. They did not insist with him upon any *such Penalty* as was demanded of *Boswell*, nor indeed upon any *Penalty* at all. What *Time* they gave him, I cannot yet learn; but he has already had more *Time in Fact* than *Boswell* had; and no *Work* is done to warrant a Prospect of Success. Whether all that was required of *Boswell*, with the *Four Mile-Work* from *Rainham-Creek* to beyond the *Half-Way-Tree*, be also included in his *Contract*, may justly be made a Question; but certainly it is not required of him under the same *Limitations*, and he is as yet very far from approaching to the nearest of those *Land-Marks*. After he had met with so much Favour and Countenance, he was immediately put into Possession of *Boswell's* Scheme and Effects, without paying any thing for them; and the Publick Money was no sooner demanded, than granted him. It is credibly said, he had 7000 *l.* given him, even before his *Contract* was signed; but it is certain that both that *Grant* and his *Contract* were not *legally* sign'd in Court; but by collecting *Hands* from House to House, among the *Trustees*. Since that, he hath received 5000 *l.* more; and is now ready with a fresh *Demand*, though it cannot be proved, that he hath yet expended 3000 *l.* upon the *Breach*. It is also said, that he has actually a Term of *two Years*, and a Reward of 10000 *l.* more than *Boswell*; so that if he goes on as he does, so slow in his Works, and so quick in his Demands, the *Publick* will have a fine Reckoning to pay, at the Expiration of his Term.

Here we see quite a New Face of Affairs, and very strange Alterations in the Method of executing a *Parliamentary Trust*. The *Twentieth Part* of these Advantages would have put poor *Boswell* in a way to make himself Whole, and do the *Nation's* Business, by saving them a vast Sum of Money into the Bargain. The *Trustees* have now plainly condemned their former *Contract* made with *Boswell*, by departing so intirely from it; and have

in

in effect made good all the Objections I could have been able to advance against it. Surely they cannot say, it was altogether so honourable to insist on a *Penalty* with *Boswell*, after they had ordered him to have the Preference; and then put him by for the Sake of that *Penalty*, which they *never* insisted on with *Perry*. But to put *Perry* into Possession of his *Scheme* and *Effects*, without paying him the Money he had expended, or so much as one Penny of it, is most *hard* and *unfair*. By a *Survey* made the 14th of *November* 1715, (when the Works were much Damaged, and had layn for some time in that Condition) it did appear, that *Boswell* had laid out 8396 *l.* His *Scheme* was Sworn to as the best for the next *Undertaker*, and his *Effects* valued to such *Undertaker* at 3762 *l.* This *Scheme* and these *Effects*, *Perry* hath since made use of; and after much damaging them, hath offered to come to an Account: nay *Boswell* was offered 3000 *l.* in hand for them before the *Trustees*. But he has as yet received no manner of Satisfaction, and *Perry* drops the *Proposal* he formerly made; though surely the Day is coming, when *Boswell* shall be heard and relieved from such unprecedented *Hardships*, and Justice done to the Oppressors. Mr. *Ward* was sufficiently paid for his *Scheme* and *Effects*, when neither were of any Use: let him be Judge in this Cause.

But your Wonder will cease, when the Secret of these Transactions comes to lie yet fairer in your view. Captain *Perry* is Mr. *Ward's* and his *Friends Friend*: he has been encouraged by him to make *Proposals* ever since Mr. *Ward* became a *Trustee*, and so was debarred being a *Contractor* in Person. *Boswell* hath all along stood in their Way, and kept them from coming in before, with their unreasonable Demands upon the Publick. You may remember, when *Boswell* was tamper'd with to desist from signing his *Contract*, and offered 3000 *l.* on that Condition; which he honestly rejected, and acquainted the *Trustees* with it, though he hath been since unhandfomly

required

been requited for his Pains. You need not now be at a Loss to guess, from what *Quarter* that Offer came; and if you will but observe further, what sort of Face Mr. *Ward* and his *Friends* have carried towards this *Perry*, ever since he hath been concerned, you will readily conclude, that there are *private Contracts*, and *reserved Articles*; and that since not *one Half* of the Money advanced, hath been really expended on the *Breach*, some of it hath found a Lodgment *elsewhere*: and this Grievance it is worth the *Parliament's* while to inquire into and detect. Who so ready at all times, as this *Gentleman* and his *Friends*, to second Capt. *Perry's* Applications; nay, to direct the Manner and Method of them? We find none of that Caution and Distrust (to give it no worse Name) with which they managed all along during *Boswell's* Time. *Perry* can but ask and have: his Proceedings are justified and applauded, against the Sense and Judgment of all Mankind. He has built a *Fine House* at the publick Charge, where the *Rendezvous*es are kept: here he entertains his *Advocates*; and when his *Men* are ready to desert, Mr. *Ward* can come down, give them *Money* and *Drink*, and even *work in Person* to encourage them. These are extraordinary Favours, especially from an *Honourable Trustee*. Nothing of this Kind could be afforded in *Boswell's* Time. But all this will not be unaccounted for in the Judgment of such quick-sighted Patriots as your self; and you will readily conclude, that these things are not done but upon *valuable Consideration*.

You may perhaps imagine, *Sir*, that there is something extraordinary in the Character of this Capt. *Perry*, who recommends him to the *Publick Service*, above any other *Undertaker*; and truly in one or two *Advertisements* he is stiled an *Able* or *Skilful Mathematician*. But upon nearer Examination you will find, that he is not over exactly qualified for a *Business* of this Nature, nor indeed to be employed any where under the Government.

'Tis not so much as pretended, that he is a Man of Substance or *Estate*, or that he has any visible *Stake* here in *Great Britain*: and when ever he hath been pressed by any unlucky Demands upon him, he hath readily found the Way into another Kingdom. In King *William's* Time, when he was employed in the *Navy*, and thence dates his Title of *Captain*, he took Occasion to dispose of a *Ship* of that King's to the *French*, in such a manner, that upon his *Trial* before a *Court Martial* he was found *Guilt* *ty* and *Condemned* upon the *twelfth Article*; and the *Sentence* was, either *Death* or *what else* the *Court* should adjudge by Way of *Mitigation*. He had the Favour shew'd him, to have this worst and most rigorous Part of his *Sentence* exchanged for a *Ten Years Imprisonment*; and whether by a further *Indulgence*, or his own *Dexterity* he afterwards found Means to escape, and transport himself into *Muscovy*. There he first pretended to recommend himself by his supposed Skill in the *Mathematicks* and was employed by the *Czar*, according to that *Prince's* customary Method of encouraging all Strangers, especially *English Men*, in cutting and making of *Wharves* *Docks*; which every one, conversant in *Naval Works* knows very well to be an easy and vulgar Attainment, such as any Common *Ditcher*, by the usual Methods of *Banking* and *Sluicing*, may perform. However, as early an *Undertaking* as this was, he gave his *Czarish Majesty* an early Cast of his Office, by putting him to so much *Expence*, and doing his Work in such a Manner, that contrary to his Method of treating Foreigners, he soon dismiss'd him *his Dominions*; and declared, if he had been a Subject of *his* own, he would have given him other Marks of *his* Resentment.

With these Recommendations, and this extraordinary Proficiency in the *Mathematicks*, he came over to *England*; and was as well pleased perhaps with the *Imagination*, that when he was at Home, what he had done in *Muscovy*, was not known here in *England*; as he was

when

when Abroad, that what he had done in *England*, was not known in *Muscovy*. Since his being employed, under Mr. *Ward*, and at his Instigation, he hath abundantly answered the Purposes, for which he was first brought into Play. *Muscovy* is indeed a great Way off for a Man to send for his Tools: but Mr. *Ward* is a considerable Trader; and it must be fairly owned to his Advantage, that if he had tried his Interest any where nearer, he could not have been better supplied. However I cannot help reckoning this also among other good Services done by *Boswell*, that he hath kept such a Person so long out of Employ, where the Nation's Money was stirring. If he had kept him out still, the Service done the Publick had been so much the greater; but the Man who was too nimble for a *Court Martial*, may not perhaps so easily escape a *British Parliament*.

This, Sir, is the Character of the present Undertaker; and I leave to you, and to all the World, to judge, whether such a Man be fit to be trusted with the publick Money, capable of performing his Work, or well qualified for an Employ under the *Present Government*:

But you are willing perhaps, after all, to have an Account of his Proceedings, since he came to the Breach, and this I shall give you as succinctly as I can.

He entered upon his Work in *January* Last; and by that time the Severity of the *Winter* had done great Damage to *Boswell's* Scheme and Works, which had been long neglected. These Damages, with others formerly mentioned to be done by *Secret Enemies*, *Perry* took care for a long time to leave un-repaired, on purpose to give an Opportunity of shewing them, as Instances of the Weakness and Slightness of *Boswell's* Work; which is a very unfair Way of Proceeding, and only serves to expose *Perry's* Malice, and confute that very Inference, which he would draw from this Argument. For if *Boswell's* Works had not been very strong and masterly, it is possible they could have stood against such a *Winter*, in

that damaged Condition, in which *Perry* suffered them to lie, but must have been long ago intirely ruined and demolished. How he has mended the Matter, may be easily seen in one of his Attempts to erect his Works, in a very bungling and injudicious manner, upon a loose Sandy Bank that drove up from *Boswell's* Works; but he may send a *Hue and Cry* after his *Bank*, for it is long since gone to augment the *Shelf* at the Mouth of the River and is thereby become an additional Obstruction to the *Navigation*; and besides the visible hazard of adding to the old *Shelf* and *Sand-Bank*, it may raise a new one more prejudicial to the *River*, than that which made the *Breach* Common Obstruction, and first brought all this charge upon the *Publick*. Besides this extraordinary Feat, he has cut a *Canal* from the Head of his Works into the *River* which runs sloping from a very narrow *Isthmus*, and makes a *Peninsula* of Land, that lies very much in Danger of being washed away by any severe Tide or a hard Winter: and should that happen, there would be two *Breaches* instead of one, and the Whole Gap swell to near 1500 foot Width instead of 500.

In truth one of the best and chiefest of his Works is his Building a fine House at the *Breach*, well fast'd, adorned and furnished, in which to entertain his Friends and Visitants; and this he does after a most Splendid and generous manner. Poor *Boswell's* Little Shed is by no means fit for those Extravagant Revels, which are so often kept at the *Breach*; and should Capt. *Perry* fail (as the thing is more than probable) he has by these Measures taken Care at least to entail a very large *Bill* upon his Successors. But he thinks perhaps he has by this time, and by these Means, fixed his *Residence*; and no doubt as for further Security, Mr. *Ward* can make him a *Land-Owner*. The generous Sums, which have been so handsomely poured in upon him, would (if they all came to his Hand) account in some Measure for all this Splendor, and leave a *Moiety* for carrying on the Works in a gentle creeping

Way. But were it not for such Deductions, *Boswell* would be contented to be paid with the same Sum of Money, that *Perry* hath thus profusely expended. As yet this *Gentleman* hath no Occasion to make another *Tour* beyond Sea, for the *Breach* is a very good *Protection*: His *Creditors* do sometimes oblige him to very long *Residence*, when he is *there*; and as often keep him as long from it, when he is at *London*: But it is to be hoped, that when his *Bowls* flow, and his *Bottles* fly, the *Breach* will not protect him from his *Majesties* Officers of the *Custom-House*.

I should be glad to know, whether there hath been any *Survey* yet ordered of his Works, and what *Report* was thereupon made, *Boswell* had his *Surveys*, without any Money; but *Perry* is the *Reverse* of him in every thing: he hath received Money enough, without any *Survey*, for ought yet appears; and I do not hear of so much as one skilful Person, who hath been down at the *Breach* (as there have been a great many gone down lately) who can take upon them to say, they are satisfied with his Proceedings, or can give the World Encouragement to believe, that he will finish his *Undertaking*. He has now been at Work above *ten Months*, which is more time than *Boswell* had in Effect allowed him: all is done at the publick Charge, and so great a Charge, that he hath already received within 4000*l.* of what *Boswell* was to have had for the Whole. What will the Charge be, by that time his *two Years* are expired? Can any one in the mean time pretend to prove, that he hath done half so much in *this Time*, as *Boswell* did in *four Months*, without any Expence to the *Publick*? Or will any Workman point out the Probability of his Succeeding, or give it under his Hand, upon a *fair View*, that the *Breach* is not in a worse Condition than ever?

Since his Arrival at *Dagenham*, *Perry* has lately offered at one pleasant Piece of Justice: for after he had ruined several of *Boswell's* Works and Materials, on purpose to make

make room for Clamour against him; when at last he was obliged to make Use of them, and particularly of some of his *Best Effects*, in building *ten or twelve Houses* for his Men (who it seems must be provided with a good *Residence* as well as their Master) he then writes to *Boswell*, to come to an Account. By this he acknowledged in general the Reasonableness of *Boswell's Demands*; but when *Boswell* charged him with the full Value upon a *fair Survey*, he declared, he owed him nothing.

After a great many ridiculous Attempts in his own Way, and damaging *Boswell's Works*, as much as might serve to gratifie his little Malice, he is at length reduced to a perswasion, that they were good and masterly; and begins now to repair them, and to proceed upon his *Scheme*. This he finds is approved of by the *Trustees*; and his late Alterations on this Account are so convincing an Argument in *Boswell's* behalf, that one would be surprized it should have no more Effect upon the Temper and Disposition of his Enemies. This shews of what value *Boswell's Scheme* was, however the Author of it was so much abused and discouraged. But after all, tho' this be the best of *Perry's Performances*, yet for want of being Master of the intire Scheme; or for Lucre of prolonging the Works; or by divers other Mistakes and Blunders, such as he daily makes (and the least of them may be fatal in *Undertakings* of this Kind) he is still as far from compleating as ever; being no more capable of understanding a good *Plan* of another Man's, than he is of inventing a tolerable one of his own.

Besides all other his Advantages, he hath had as dry and favourable a *Summer*, as he could expect or desire; but where is the Appearance of his having made a due Use of so kind a Season? The *Men* are ill paid and discouraged, and fall off from him daily. This must be a great Damage to the Publick. The procuring of other Men requires Time, the Works suffer the mean while, and *New Hands* are by no Means so good as the *Old ones*

to carry on a Work of this Nature. The *Rainy Season* is now pretty well advanced, and the *Winter* coming on apace : Should it prove but half so severe a one as the Last, there is not a Workman of Skill in the Nation would ensure the Standing of his Works in their present feeble Condition by *February* next; and then if the *Trustees* do not empty their Bags and advance briskly, they may perhaps be at a Loss to find their *Undertaker*:

Thus, Sir, I have gone through my *Account*; I believe you will agree with me, that the *Case* before us is as extraordinary and surprizing, as any in its Kind, that hath lately happened.

Perhaps some of the *Parties* concerned may Shelter themselves under a Notion, that the *Legislature* are, or will be, employed upon much greater Matters; and that *Dagenham-Breach* may probably escape their Notice. But I hope they will be undeceived, and disappointed in their Expectations. The *Act* declares it to be a publick Concern; and the *Last Judgment* upon that *Act* lies directly before the *Parliament*. All that the Aggrieved require, is a full and impartial Inquiry; which they no more doubt of, than that such an Inquiry will effectually procure Justice to be done upon the Offenders.

The *High Court of Chancery*, which is so often taken up with Complaints about the Execution and Management of *Private Trusts*, and *Trusts* of a much narrower and far less extensive Influence than this is, provides an effectual Remedy for every Grievance of that kind, and redresses the injured and oppressed *Appellant*, according to the plain genuine Intention and Meaning of the Persons, by whom such *Trust* was at first made or granted. And can we imagine, that, if this be the Case of *private Trusts*, *Publick* and *Parliamentary Trust* should have less Care taken of it? Can we think that the *Legislature*, who have so remarkably reserved this *Trust* to themselves, and hereby as it were prohibited the Subject from having Recourse to any *Inferiour Court*, will not be as ready to hear,

hear, and as careful to relieve, whatever Wrongs or Injuries the Publick in general, or any private Sufferer in particular, hath sustained by the Mis-application or undue Execution of it? Those Men would well deserve all that hath been put upon them and much more, who should be found capable of entertaining such unworthy and undutiful Sentiments. It may be, some of *Boswell's* Enemies may be brought to persuade themselves, that he, who plainly appears to be the Person most wrong'd in this Affair, is not now in a Condition to make Head against wealthy, powerful, or numerous Adversaries: and that by making him poor, they have so far strengthen'd themselves at his Expence, as to be able to keep him so. But he knows he is to appear, where the Circumstances of the Cause, and not those of the Man, will be attended to. And tho' an honest plain *Mechanick* be no fit Match for Men of Learning, Interest, and Sagacity; he does not question but his oppressed Innocence will procure him Advocates enough; and in that Refuge is his best and greatest Security.

There are several *Questions* of Importance arising from the *State of this Case*, which affect the several Persons interested in it, in a different manner; and the putting those *Questions* in their true genuine Light, may readily serve to direct you in your Enquiries, and thereby make them more Equitable and Impartial. As to that great Number of *Good and Honourable Trustees*, who by never attending, or very seldom, are become perfectly unacquainted with what hath been done in their *Absence*, and in some Sense in their *Names*, and by their *Authority*; it may be reasonably ask'd, *Whether* they do not think themselves in Honour and Justice oblig'd, to demand a *General Court* of all the *Trustees* now living, in Person to attend, and there fully to re-examine the Proceedings from first to last, the several Parties concern'd being all summon'd, and heard freely and impartially; so as that a perfect, full, and true *State of the Case* may be drawn up, and a *Representation*

of all the *Facts* exactly prepared, and laid before the *Parliament*; whereby the real Sufferer may be reliev'd, Offenders punish'd, and the Publick Service promoted.

As to the *Parliament*, it may be ask'd, *Whether* they ought not to have a fair *Account* of the several Sums of Money rais'd? *Why* they were not *applied* in time, as they ought to have been, and to the Purposes, for which they were intended? *How*, and for *what Uses*, they have been since applied? *By what Means* a Law, made for the Common Good, hath been so notoriously frustrated and defeated? *What Obstructions* the Publick Service hath met with, and from whom? *What Damages* the Works at *Dagenham* have sustained? *Who* are to be charged with those Damages; and *how far* the Nation hath suffered by them? *What* private, underhand *Contracts* have been made, in Prejudice to the *General Undertaking*? *Who* is accountable for the Loss of Time, and Neglect of the Works, when they were so near being finished? *What* Secret Mischiefs have been done to the Works, by wicked and evil-minded Men? *Who* they were, and by *Whom* employed or encouraged? *Why* not brought to Justice before Now, and *what* Recompence they ought to make? *Why* a good and approved *Scheme* hath been set aside, and a faithful and skilful *Undertaker* discouraged; to make room for one, not in any degree so well qualified? *What* the Publick hath suffered thereby; and at whose door that Damage ought to lie? *Why* a *Contract* was made in *Breach* of the *Act*, and to the Prejudice of the Works? And *why* the Second *Contract* was so apparently contradictory to the First? *Where* the publick Monies have layn for so long a time? *Who* hath had the Use and Benefit of them? And for *what Reasons* they have been expended so profusely of late? *What* Work hath been done since, and how much of the Money already paid, hath been earned by fair and honest Labour? *Why* the Debts contracted upon the former Undertaking are not yet discharged? *What* is the present State of the *Breach*; and *what* Security, or Encouragement the

Publick has (after so much Expence) for the due Performance and finishing of the Work?

As to the *Land-Owners*, it may be asked; *Why* the *Taxes* and *Rates* laid and levyed upon them should not be stated and audited? Upon *What Terms*, by *what Authority*, for *what Purposes*, and to *whom* their *Lands* were Sold? *What Contracts* were entered into, for recovering the *Level Lands*; by *whom* made, and in *what Manner* executed? *How much* the *Contractors* have received and expended, and *what* is the Balance and Charge upon the Sufferers? That if ever the *Lands* should be recovered, they may know upon *what Terms* to treat the Right and Power of *redeeming* those *Lands* being vested in them by *Parliament*.

As to *William Boswell*, it may be asked; *Why* he who saved the Nation 30000 *l.* by reducing the *Term* of *Years* upon the *Duties* granted, and by Consequence the Charge of those *Duties*; does not deserve all fitting Encouragement? *Whether* he does not at least deserve more Encouragement, than those Persons, who were for augmenting those *Duties*, and putting the Nation to so much more Expence? *Whether* he ought not to be relieved against that Part of his *Contract*, which shall appear to be inconsistent with the *Act* of *Parliament*, upon which that *Contract* was founded? *Whether* he ought not to have had more time; and to have been paid from time to time, as the Work went on, out of the Money arising by the *Duties*; which, according to the *Act*, should have been applied to that purpose? *Why* he is not still suffered to be in Possession of the *Breach*, and to go on with his Works, since he offered to make good the *Damage*, as his *Contract* required, and tendered undoubted *Security* for the same? *Whether* he does not deserve to be relieved for the unforeseen and unavoidable Damages, he and the *Publick* sustained by Storms, Tempests, and secret Enemies, during the Time of his being engaged in the *Nation's Service*? *Why* he is not yet paid the Money, really expended in that Service, which appears due to him.

him upon a *a fair Estimate* taken of his Work? *Why* he was not paid for his *Effects* at the *Breach*, to their full Value; and for his *Scheme*, which was sworn to, as the best for a New *Undertaker*; and hath since accordingly been worked upon, and made Use of? *Why* he, among many others, is the only *Undertaker* unpaid and unsatisfied? *Whether* he has not a just Title to *Interest* for his Money, thus laid out upon the Publick, and due to him in all these Accounts? *Whether* he, who at first received a Bribe of 3000 *l.* to desist from the *Publick Service*, does not deserve to be handsomely encouraged? *Whether* that Matter does not deserve to be inquired into, and sifted to the Bottom? *Whether* he was not illegally set by his *Second Contract*, his *First* not being yet forfeited? *Whether*, when he offered to do it cheaper than Capt. Perry, and upon better Terms for the Publick, and under better Security, he was not, after having done so much already, a much fairer Proposer than Perry, and better qualified for the Publick Service?

As to Capt. Perry, it may be asked, *Whether* his *Contract* was ever legally Sign'd in a *Full Court of Trustees*? *Whether* he is not under any *private Contract* with other Persons besides the *Trustees*, and on what Considerations? *Whether* he can give an Account of any work done in Proportion to his *First Payment* of 7000 *l.* the time of his receiving it? *Whether* that *Grant* was truly and legally made him by *Nine Trustees*, in a *full Court*? *What Reasons* he can give, why the Works were so long so much neglected, to the great Damage of the Publick, at the Time of Boswell's being obliged to quit them? *Why* he did so much Damage to Boswell's Works, after they had been so well approved; And when he knew in Fact he hath since done) that he was obliged to make Use of them? *How far* his Works were advanced, in what Condition the *Breach* stood, when he received his *Second Payment* of 5000 *l.*? *Why* he pays the money, when no better, after having received so much of the Publick Money? *What* his New House at the *Breach* cost

Building and Furnishing? *And whether* that, with his other Expences in Treats and Entertainments, be not intirely charged to the Publick Account? *Whether* his suffering the Damages done to *Boswell's* Scheme and Works to lie unrepaired so long, were not to gratifie his Spleen and Malice to *Boswell*, at the Expence of the Nation, and to the Visible Obstruction of the publick Service? *Whether* he hath yet had any publick Survey of his Works by Order of the Trustees, and what was the Report, as to the Strength and Goodness of them, so as to intitle him to the Several Sums he hath received? *Whether* his Men do not desert him daily, and for what Reasons? *Why* he does not pay *Boswell* for his Effects, after owning the Justice of his Demands, in general? *And whether* in settling the Account he proceeds upon a publick Estimation or upon his own arbitrary Way of Calculation? *How much* of *Boswell's* Scheme he at present makes use of? *And of what Value* it may be to him? *Whether* the Works he found at the Breach, do not better deserve the Money he hath received, than any he can shew of his own erecting, since his coming to it? *Whether*, under all the Advantages he hath found and received there, he is yet able to give the Publick any convincing Proofs of his being in a likely Way to go through with the Work, and stop the Breach as effectually as the Act requires?

As to the *Acting Trustees*, it may be asked, *Whether* all their Proceedings it does not plainly appear, that *Mr. Waid* hath been the most active and solicitous, who is notoriously the most interested, in this Affair? *Whether* He, and the *Trinity-House-Masters*, and *Commissioners of Sewers*, have not all along made by much the Major Part in every Court? *Whether* several Courts have not been held and the Business transacted there sign'd afterwards by other Trustees not present? *Whether* several Courts have not been summon'd by Private Summons? *Whether* there ever was one Part in seven of all the Trustees present at one Court together, since first the Act became in Force? *Whether* several of the Trustees have not frequently complain'd

undue Proceedings, and declar'd their Resolution to forbear attending, on that Account? *Whether* Mr. *Ward* and *his Friends* have not had the Chief Hand in all *Surveys* during *Boswell's* Time, and whether their Method of treating the *Undertaker* hath not been directly contrary to what it formerly was, ever since Capt. *Perry* came to be concern'd at the *Breach*?

Lastly, as to Mr. *Ward*, it may be ask'd, *Whether* he hath not all along had a competent Number of *Trustees* to attend him at all *Meetings*, *Courts*, *Surveys*, &c. to back and second him in all his Proceedings? *Whether* he hath not had a constant underhand Correspondence with these *his Friends*; and hath formerly met, treated, and entertain'd them, at his own Expence? *Whether* several of them were not concern'd with him before, when he was himself an *Undertaker*? *Whether* they were not to be concern'd with him again, when he propos'd a second time to undertake the *Breach* for 36000 *l.* How far he and they are at present concern'd with *Perry*? *Whether* their frequent Meetings and Consultations do all relate to the Publick Service? How much of the *Lands* at the *Levels* he hath purchas'd, and at what Price? *Whether* he did not pay for them in Whole, or in Part, out of the Money granted him to recover them by stopping the *Breach*? How much of that Money he really expended, and why the Remainder is not accounted for? *Whether* the Works he erected and was paid for, bore any Proportion to *Boswell's*, which are yet unpaid for? *Whether* he knows any thing of the Offer of 3000 *l.* made to *Boswell*? *Whether* he was not to have been concern'd with *Perry*, or others, if he had succeeded in his Proposal, when *Boswell* took the *Breach*? *Whether*, in the Drawing and Forming *Boswell's* Contract, he compar'd it at all with his own former Undertaking, or his Calculation sign'd by *Hall*? What could be the Reasons for so great a Difference in point of Time, Price, or Manner of Payment? *Whether* he refunded any Money upon Failure of his Work; or what Security he gave to make good the Damage? *Whether* his manner of executing

executing a *Publick Trust*, with regard to *Boswell*, be the same with his manner of doing it, with regard to *Perry*? *What* Hand and Share he had in detaining the *Publick Money*, when it should have been apply'd to the *Works*; and in disposing of it since, so profusely? *Whether* he does not think, that the *First Grant* of 7000*l.* made to *Perry*, before he did any thing, could be understood as a *Payment* for any other *Works*, than those done and erected by *Boswell*? *Whether* he can put any other *Meaning* upon these *Words* of his (*That he was but as One to do Good, but as good as Nine to do Mischief*) than what will prove his ready *Inclinations* to do *Mischief*: Since every *Man* had rather be as *Nine* than as only *One*, it being *Natural* to make the most of one's *Interest*? *Whether* these *Words* do not highly reflect upon the *other Trustees*; since in his *Mischievous Capacity*, he thereby makes himself equal to a *Full Court*? *What Justice* could be expected from a *Man*, by his own *Confession*, so *Mischievous*; and in that *Capacity* so *Powerful*? *Whether* he does not know of several *Honourable Trustees*, who have frequently complain'd of his *indirect Practices*? *Whether* since the *Villanies* prov'd upon *Perry*, he hath left of to *Correspond* with him, or to shew him any *Countenance*? *Whether* he acted as a *fair Trustee*, when he approv'd *Boswell's Works*, and yet discourag'd him all he could; and set up *Perry*, even long before *Boswell's Contract* was expir'd? *Whether*, if no good *Account* can be given, how *Boswell's Contract* came to be so different from his own, he is yet able to give a better, how *Perry's Contract* came to be so different from *Boswell's*? *Whether* *Boswell* did not offer fairer than *Perry*; and whether the *Trust* was well executed, by accepting the most disadvantageous *Proposal*? *Whether* he knows of any *Money* granted to *Perry*, which *Perry* did not dispose of upon the *Breach*? *Whether*, if *Boswell* acted for the *Publick*, all the *Injuriys* done, and *Hardships* put upon him, are not thus far of a *publick Nature*; and ought to be so accounted for, by the *Authors* and *Abettors* of them? These

These *Quare's*, Sir, do naturally result from the *Case* before stated: They are of no small Importance, both as to the *Publick Service*, and the Welfare of a *Great Number* of your poor suffering *Country-men*, who, by inter-esting themselves for the Publick Good, have been expos'd to most unreasonable *Hardships* and *Injuries* in this Affair. What should hinder a fair and impartial Solution of all these *Questions*? No *Interrogatories* in any equitable *Cause*, were ever more just and reasonable. The *Nation* cannot but expect a fair Account of these Things, where-in her greatest Interest and nearest Concern, that of *Navi-gation*, is so sensibly touch'd and affected.

The *Cries* of a *Great many* poor People, labouring under the intolerable Load of Oppression and Want, do loudly solicit for Redress; and the *Honour* and unblemish'd *Characters* of no small Number of *Great and Worthy Men*, the Patriots of their Country, and the Ornaments of the Times they live in; whose *Names* and *Authority* are so much abus'd in this *Case*, and made Instrumental in the doing of such Wrongs, as their Nature so much abhors, and their Virtues oblige them so heartily to detest; call aloud for a seasonable Vindication. And till these Blemishes are effectually wip'd away, the Richest and Noblest of these Men are as great Sufferers as the meanest, whose *All* is at Stake, and they and their Families in danger of being swallowed up by Want and Misery.

The same is the *Case* of several *Worthy* and *Excellent Magistrates* of the *City of London*; the *Trade* of which *City* is so nearly concern'd in this Calamity at *Dagenham*. Their *Names* are made use of in several unaccountable Proceedings, which themselves are Strangers to. The Injury they sustain thereby, demands present Satisfaction. And *whoever* is concern'd in *Shipping*, or in the *Naviga-tion* of the *River*, and thereby stands oblig'd to contribute towards the *Duties* charged by this Act, becomes in Proportion a *Sufferer*, by having those *Duties* misapply'd, and the good Designs and Purposes of *Parliament*, frustrated and brought to nothing.

This

This therefore is a *Cause* of more Consequence, than may at the first View be apprehended: it deserves the strictest Inquiry; and the *Parliament*, by reserving the *Last Judgment* in so express a manner, seems to make it their own, and to stamp it with a Face of more than Common Importance. But far be it from the meanest Person concern'd to doubt of Redress, when we have such a *Parliament* in *Britain* to apply to, so zealous for the Publick Good, so vigilant against Tyranny and Oppression, and so tender and careful of the Properties and Wellfare of all their *Country-men*.

I have done, Sir, when I have only put you in mind of the Opportunity, that is here laid in your Way, to exert those many and happy Talents you are Master of, for the redressing of Injuries, and promoting the publick Good: a *Cause* you are proud to appear in, and to which you postpone all other Considerations.

You will be rewarded in that way which you most value, with the Thanks and Prayers of your relieved *Country-men*; and I shall be rewarded with your Thanks, for using my Endeavours (by way of Information) to put this Opportunity into your Hands.

The bare Attempt of making Application to so judicious and upright a *Patriot*, is some Proof of the Goodness of a *Cause*; since whoever fails in that material Point, is sure to meet in you a most active and strenuous Adversary. And on no other Condition is this Affair recommended to you, than as it shall appear to be true and just in all its Parts, and therefore worthy of your Espousing.

For my self, I am not conscious of having us'd any false Colours to gloze it over, but have rather wrong'd it by falling short in the Representation. But some Things must be conceal'd, for feare of fore-arming an *Enemy*, who makes use of any Weapons.

Now the whole Affair is thus set in its true and full Light, and shall come to be illustrated hereafter by further Evidence and Discovery, I doubt not, but you will be a Friend to the Oppressed, with as much Sincerity, as I am,

London, November 21. 1716.

Sir, Your most Devoted
Humble Servant, &c.

THE
APPENDIX.

[N^o. I.]

Anno Duodecimo, *Annæ Reginae.*

An Act for the speedy and effectual Preserving the Navigation of the River of Thames, by stopping the Breach in the Levels of Havering and Dagenham in the County of Essex, &c.

THE Preamble sets forth, That One Thousand Acres of Land were overflow'd; and that thistended to the apparent Hazard of the Navigation of the River *Thames*: For Remedy whereof it is enacted, That for and during the Term of *Ten Years*, from and after the Tenth Day of *July 1714*, there shall be paid by the Master of every Ship or Vessel which shall come into the Port of *London* (except *Colliers, Fishing-Vessels, Ships or Vessels in Ballast only, and Coasters*) the Duty of *Three Pence* for every Tun of the Burthen of the said Ship for every Voyage inward; and the Collector shall give every such Master a Receipt or Certificate of the Sum of Money so paid, in order that it may be allowed him by the Merchants or Freighters of the said Ship or Vessel, who are directed to allow the same to the Master accordingly.

And that every Coaster, which shall come in to the Port of *London*, (except *Colliers, Corn Vessels, Ships or Vessels in Ballast only, and fishing Vessels*) shall pay *Three Shillings* and no more, for each Voyage they shall make to the Port of *London*.

And that there shall be paid by the Master of every
K Collier

Collier Ship, or Vessel laden with Coals or Culm to the Port of London, *One Penny* per Chalder.

The Lord Mayor, Aldermen, and Recorder of London for the Time being, *Tho. Coke Esq;* Sir *John Leake*, Sir *George Beaumont*, *Josiah Burchett*, *Daniel Furzer*, *William Lee*, Esquires; Sir *Charles Barrington*, Sir *Richard Child*, Sir *Edward Knatchbull*, *Percival Hart Esq;* Sir *Richard Onslow*, *Heneage Finch Esq;* *James Bertie*, *Hugh Smithson*, Esquires; Sir *John Rushout*, Sir *Nicolas Garrard*, Sir *Thomas Webster*, Sir *Thomas Cross*, Sir *Henry Johnson*, Sir *George Bing*, Sir *Thomas Hardy*, Sir *Joseph Martin*, Sir *John Williams*, Sir *Samuel Clark*, Sir *Joshua Sharpe*, Sir *Godfrey Webster*, Sir *Jonathan Andrews*, Lieut. General *Cadogan*, Col. *Joseph Bennett*, Major *Sherman Godfrey*, *Henry Champion*, *Thomas Medlicote*, *Thomas Vernon*, *John Comyns*, *Nathaniel Gould*, *William Johnson*, *Nicolas Corsellis*, *John Hungerford*, *Richard Lockwood*, *Thomas Lutwich*, *William Wrightson*, *John Ward of Hackney*, *Humphrey Morrice*, *Carew Harvey alias Mildmay*, sen. *William Harvey*, sen. *Samuel Sheppard*, sen. *James Littleton*, *Robert Fairfax*, *George Vernon*, *John Phillips*, *James Dolliffe*, *David Hecksteter*, *William Hedges*, *John Lethieullier*, *John Fellows*, *John Coke*, *William Roystone*, *Robert Edwards*, *Heigham Bendish*, *John Grove*, *Kenrick Grantham*, *John Gould*, *William Coatsworth*, *William Gosline*, *Francis Chamberlin*, *Jeremy Gough*, *John Austen*, *William Blackburn*, *Thomas Cotte*, *Henry Proctor*, *Thomas Bramston*, Esquires, Mr. *Jones Preb. of Windsor*, *Peter Hambley*, *Braham Smith*, *John Hide*, *Thomas Pannell*, *John Mayhew*, *Jeremiah Wakelin*, *John Stafford*, Gentlemen Capt. *John Haslewood* Deputy Master of the *Trinity House*, Capt. *William Saunderson*, Capt. *Stephen Martin*, Capt. *Ralph Selby*, Capt. *Thomas Harlow*, Capt. *Henry Collins*, Capt. *John Merry*, Capt. *Thomas Wharton*, Capt. *Robert Sands*, Capt. *Henry Duffield*, Capt. *Thomas Tatam*, Capt. *John Robinson*, Elder Brethren of the *Trinity-House*, or any Nine or more of them, are appointed

Lruster

Trustees for ordering and directing the stopping the said Breach, and making good the Walls and Banks, and all Works in and about the same; and for the ordering and directing the Collection, Receipt, and Disposition of the Money and Duties.

And if any of the Trustees shall happen to die, or refuse to act during the said Term, the surviving or acting Trustees may nominate other Trustee or Trustees in their Place or Places.

The Trustees or any *Nine* or more of them, have Power under their Hands and Seals, to make and appoint Receivers or Collectors, to collect and receive the Duties payable by this Act. The Collector is to keep a true and fair Account in a Book or Books, distinct and apart for that Purpose, and shall *once a Month, or oftener*, if required, return and pay over the Sums received by him or them, to such Person or Persons as the Trustees shall appoint to be Treasurer or Treasurers of the said Duties.

All Sums of Money so rais'd and receiv'd shall be, by the said Trustees, or any *Nine* or more of them, all the said Trustees being first duly summon'd, apply'd and dispos'd of to the stopping the said Breach, in such manner as they shall think convenient, the necessary Charges in the Management, collecting and receiving the said Duties, being first deducted.

The Treasurer or Treasurers shall provide Books for the Entry of all Moneys [received, and of all Payments and Disbursements. And four times at least in every Year, *viz. Sep. 29, Dec. 25, March 25, and June 24.* the Accounts are to be laid before the Trustees, and the said Accounts, together with Copys of all Contracts made by the Trustees, shall be deliver'd into each *House of Parliament*, once in every Year, within twenty Days after the opening of the Session, that it may be seen, that the Money hereby granted is laid out in the best manner to secure the Navigation of the River *Thames*, by stopping the foresaid Breach, and other the Purposes intended by this Act.

No Customer, Collector, or other Officer, shall take any Entrys, grant any Warrant, give or make out any Cocquers or Returns for any Ship or Goods whatsoever, until the Duties hereby granted shall be paid, and the Master produce an Acquittance from the Collector or Collectors of the said Duties, on forfeiture of 50*l.* to the Trustees.

The Collectors may go on Board any Ship or Vessel, to demand the Duties, and for Non-payment to distrain the Ship and all her Tackle, or any part thereof, and after ten Days to make Sale of the Distress, returning the Overplus (if any be) to the Master of the Vessel.

The Trustees, or any Nine, or more of them, are impower'd to borrow Money at *Six per Cent.* for and towards the stopping of the said Breach, and other the Purposes aforesaid.

And this Act shall be deemed and taken to be, and is hereby declared to be a *Publick Act of Parliament*, of which all Judges and other Persons are required to take Notice; and that in Case any Action shall be commenced against any Person or Persons for what he or they shall do in pursuance of the Powers hereby granted, such Persons may plead the general Issue, and give this Act and the Special Matters in Evidence.

If at any time before the Expiration of the said Term of ten Years, sufficient Moneys shall be raised for the Use aforesaid, then all the Dutys and Payments shall cease and determine.

All Lands, Sold by *Decree* of the Commissioners of Sewers, may be redeemed by the Land-Owners before Dec. 1. 1714.

The Trustees, as soon as conveniently may be after the making of this Act, are to cause Publick Notice to be given in the *Gazette*, at least fourteen Days before their meeting, to receive Proposals, which shall be Seal'd up, and the said Publication shall be deemed due Notice to all the Trustees.

[N^o. 2.]

AR T I C L E S of Agreement indented, made, concluded, and agreed upon, this Fifth Day of *August*, *Anno Domini*, 1714. and in the First Year of the Reign of our Sovereign Lord *GEORGE*, by the Grace of God, of *Great Britain, France and Ireland*, King, Defender of the Faith, &c. Between the Right Honourable Sir *Samuel Stanier*, Knight, Lord Mayor of the City of London, Sir *John Parsons*, Sir *William Humfreys*, Sir *Charles Peers*, Sir *William Stewart*, Knights, Aldermen of the said City; Sir *Jonathan Andrews* Knight, Capt. *John Haslewood*, *William Johnson*, Esq; and Captain *Thomas Tatam*, Trustees, appointed (amongst others) by a late Act of Parliament made in the Twelfth Year of Our late Sovereign Lady Queen *ANNE*, Intituled, *An Act for the Speedy and effectual Preserving the Navigation of the River of Thames, by stopping the Breach in the Levels of Havering and Dagenham in the County of Essex, and for Ascertaining the Coal-Measure, of the one Part, and William Boswell of the Parish of St. Dunstan Stebunheath, alias Stepney, in the County of Middlesex, Shipwright, of the other Part.*

Imprimis, The said *William Boswell*, for the Considerations herein after mentioned, doth for himself, his Executors, and Administrators, covenant, promise and agree, to and with the said Sir *Samuel Stanier*, Sir *John Parson*, Sir *William Humfreys*, Sir *Charles Peers*, Sir *William Stewart*, Sir *Jonathan Andrews*, *John Haslewood*, *William Johnson* and *Thomas Tatam*, the Trustees aforementioned, their Executors, and Administrators, That he, the said *William Boswell*, his Executors, and Administrators, or some of them, shall, and will, within the Space of Fifteen *Kalendar Months*, to be accounted from the Day of the Date of these Presents, well, effectually, and

and substantially Repair, Make up, and Stop the said *Breach* in the said *Levels* of *Havering* and *Dagenham*, being of the *Width* of *Four Hundred Foot*, or thereabouts, and well and sufficiently Repair and make good the *Walls*, *Banks*, and other *Works* in, or belonging to the said *Breach*. And also shall and will within the Time aforesaid well and substantially Repair and make good with good *Scarfig* and otherwise, the *Walls* belonging to the said *Levels*, for the space of forty Yards on each side of the said *Breach*, so and in such manner as to prevent and hinder the River of *Thames* from breaking into, or overflowing the said *Levels*, or any Part thereof, by reason of any Defect or Imperfection of the *Walls* or *Banks*, by all the Length and Space aforesaid, for and during two whole and entire Winters, the same to commence and be accounted from the Twenty ninth Day of *September*, to the Twenty third Day of *April*, in each of the said Two Years, from and after the Compleating and Finishing the said Work.

Item, The said *William Boswell* doth for himself, his Executors and Administrators, further covenant, promise and agree, to and with the said Sir *Samuel Stanier*, Sir *John Parsons*, Sir *William Humfreys*, Sir *Charles Peers*, Sir *William Stewart*, Sir *Jonathan Andrews*, *John Haslewood*, *William Johnson* and *Thomas Tatam*, That in case it shall be necessary in order to the more speedy and effectual making up and stopping the said *Breach*, to make any *New Cut* or *Cuts* in any Part of the Wall belonging to the said *Levels* of *Havering* and *Dagenham*, That then, and in such Case, he the said *William Boswell*, his Executors and Administrators, shall and will within the said Space of fifteen Months from the Date of these Presents, well and substantially make up, and make good the said *Wall* in such Place or Places where he shall so *Cut*, or cause the same to be *Cut*, so and in such manner as to prevent and hinder the River of *Thames* from Breaking into, or Overflowing the said *Levels*, by reason of any Defect or Imper-

Imperfection in that Part of the *Wall*, so by him *Cut*, or caused to be *Cut*, for and during two whole *Winters*, the same to be accounted from the Twenty ninth Day of *September*, to the Twenty third Day of *April*, in each of the said two Years, from and after the Compleating and Finishing the said Work.

Item, The said *William Boswell*, for himself, his Executors, and Administrators, doth covenant, promise and agree, to and with the said *Sir Samuel Stanier*, *Sir John Parsons*, *Sir William Humfreys*, *Sir Charles Peers*, *Sir William Stewart*, *Sir Jonathan Andrews*, *John Haslewood*, *William Johnson*, and *Thomas Tatam*; That he the said *William Boswell*, his Executors, and Administrators, shall and will within the said Time, or Space of Fifteen Months, well and sufficiently Repair, and Amend all the Walls belonging to the said Levels of *Havering* and *Dagenham*, lying between *Rainham-Creek*, and the Point of Land extended into the said River of *Thames*, next above, and Westward of the *Tree*, known by the Name of the *Half-way-Tree*; which said last mentioned Repairs shall be done and compleated within the Time aforesaid, to the Satisfaction of such Fifteen of the *Trustees* nominated and appointed by the said Statute, or the major Part of the said Fifteen, as shall be chosen to view and inspect the same in manner following, that is to say, Five of the said Fifteen *Trustees* to be nominated and appointed by the said *Trustees*, nominated and appointed by the said *Act of Parliament*, at one of their *General Meetings*, Five other of the said Fifteen to be chosen by the *Land-Owners* within the said *Levels*, or the major Part of them, and the remaining Five of the said Fifteen *Trustees* to be chosen by the said *William Boswell*, his Executors, or Administrators. The said View, if so soon required, to be taken within one *Kalendar Month*, next after the said *William Boswell*, his Executors, or Administrators shall have so far check'd the Tide, as to be intituled to the Six Thousand Pounds, herein after mentioned.

Item.

Item, Whereas by Reason of the said *Breach*, a *Great Shelf*, or *Bank of Sand, Gravel*, and other *Soil*, hath been Cast up, and Raised in the River of *Thames*, near the Mouth of the said *Breach*, of near a Mile in Length, and almost half way cross the same River, to the great Prejudice of the Navigation of the said River, *He*, the said *William Boswell*, for himself, his Executors and Administrators, doth covenant, promise and agree, to and with the said Sir *Samuel Stanier*, Sir *John Parsons*, Sir *William Humfreys*, Sir *Charles Peers*, Sir *William Stewart*, Sir *Jonathan Andrews*, *John Haslewood*, *William Johnson* and *Thomas Tatam*, That he, the said *William Boswell* shall and will before the End of four Winters after the Finishing and Completing the said Work, the said Winters to be reckoned and computed as aforesaid, cause the said *Bank* to be removed and carried away, and clear the said River of *Thames* of and from the same, in such manner as that the Water of the said River shall be full six Foot deep above the said *Bank* at Low-water upon a Niep-tide.

Item, The said Sir *Samuel Stanier*, Sir *John Parsons*, Sir *William Humfreys*, Sir *Charles Peers*, Sir *William Stewart*, Sir *Jonathan Andrews*, *John Haslewood*, *William Johnson*, and *Thomas Tatam*, do in Consideration of the Premisses, covenant, promise and agree, to and with the said *William Boswell*, his Executors and Administrators, That they, the said Sir *Samuel Stanier*, Sir *John Parsons*, Sir *William Humfreys*, Sir *Charles Peers*, Sir *William Stewart*, Sir *Jonathan Andrews*, *John Haslewood*, *William Johnson*, and *Thomas Tatam*, shall and will well and truly pay, or cause to be paid unto the said *William Boswell*, his Executors and Administrators, the several and respective Sums of Money, at the several and respective Times hereafter limited and appointed for Payment of the same, That is to say, Six thousand Pounds of good and lawful Money of *Great Britain*, when and so soon as the said *William Boswell*, his Executors or Administrators shall have advanced and carried on the said Work

so as thereby to stop or check the Current of the said River of *Thames*, so as the same shall not flow over the said *Work*, or overflow the said *Levels* at highest of the Tides in the said River, within one *Kalendar Month* after the said Current shall be so stoppt or check'd. And Four Thousand Pounds more of like Money, when and so soon as the *Walls* and *Banks* in or belonging to the said *Breach*, above by him covenanted and agreed to be performed and done, shall be Entirely, Substantially, and Effectually done, compleated, and finished, in the Judgment of such ten of the *Trustees*, appointed by the said *Act*, as shall be chosen in manner following: That is to say, Five of the said Ten *Trustees* to be chosen by the *Land-Owners* within the said *Levels* of *Havering* and *Dagenham*, or the major part of them, and the other Five of the said Ten to be chosen by the said *William Boswell*, his Executors or Administrators, or in the Judgment of the major part of them the said Ten *Trustees* so chosen as aforesaid, upon a Survey to be had and made by them, within one *Kalendar Month* next after the *Walls* and *Banks* in or belonging to the said *Breach* shall be entirely done, compleated and finished; such their Judgment to be signified by Writing under their Hands to the *Trustees* appointed by the said Statute, at their General Meeting. And the further Sum of Six Thousand, Three Hundred Pounds (together with Interest for the same, at the Rate of Six Pounds *per Cent. per Annum*, to be computed from the Time the said *Trustees* shall in manner aforesaid, signifie to the *Trustees* appointed by the said *Act*, at their General Meeting, that the said *Work* is compleated and finished) at the end of the said two *Winters*, after the *Walls*, *Banks*, and other *Works*, in or belonging to the said *Breach*, and the said forty Yards on each side thereof, are Effectually and Substantially repaired and made good according to the Tenor and Form of these *Articles*, and so as the said River be then cleared

of the said *Bank*, and the Navigation thereof restored in such manner as is herein before mentioned.

And Lastly, The said *William Boswell*, for Himself, his Executors and Administrators, doth covenant, promise, and agree, to and with the said *Sir Samuel Stanier*, *Sir John Parsons*, *Sir William Humfreys*, *Sir Charles Peers*, *Sir William Stewart*, *Sir Jonathan Andrews*, *John Hastedwood*, *William Johnson*, and *Thomas Tatam*, That in Case after such Time, as he the said *William Boswell*, his Executors or Administrators, shall have received any of the Sums aforementioned, or any part of the same, he or they shall not do and perform the Covenants herein before contained on the Part and Behalf of the said *William Boswell*, his Executors and Administrators, to be done and performed; that then He the said *William Boswell*, his Executors and Administrators, shall and will refund, and pay back to the said *Sir Samuel Stanier*, *Sir John Parsons*, *Sir William Humfreys*, *Sir Charles Peers*, *Sir William Stewart*, *Sir Jonathan Andrews*, *John Hastedwood*, *William Johnson* and *Thomas Tatam*, all such Sum and Sums of Money as he shall have so received, or make good the Damage.

And further, That the said *William Boswell*, at the Time of Executing of these Presents, shall and will become bound in a Bond, of the Penalty of Two Thousand Pounds of Lawful Money of *Great Britain*, for the due Performance and Accomplishment of all and every the Articles, Covenants and Agreements, herein and hereby mentioned on his Part and Behalf to be done and performed: And at, or before such Time, as He the said *William Boswell*, his Executors or Administrators, shall receive the first Payment abovementioned, to be paid him or them, likewise shall and will become bound in one other Bond of the Penalty of Eight Thousand Pounds of like lawful Money, for the due Performance and Accomplishment of all, and every the Articles, Covenants and Agreements herein, and hereby mentioned on his Part

Part and Behalf to be done and performed as aforesaid. In *Witness* whereof, the Parties aforesaid to these Presents have interchangeably set their Hands and Seals, the Day and Year first above written.

Samuel Stanier, Mayor. John Parsons. William Humphreys. Charles Peers. William Stewart. Jon. Andrews. John Hazelwood. William Johnson. Thomas Tatam.

Sealed and Delivered in the Presence of Us,
David LeGros. Thomas Jesson.

[N^o 3.]

To the Honourable the COMMONS, in Parliament Assembled, the Humble Proposal of William Boswell.

W Hereas An ACT is now depending in this HONOURABLE HOUSE, for stopping the *Breach* at *Danham, &c.* and for laying a *Duty* for that purpose on *Coals*, and the *Tonnage* of *Ships* for 10 Years; which, by Computation, will produce about 4000*l.* per Annum. I humbly offer and undertake, effectually to stop the said *Breach* in less than 15 Months at the farthest, for 1000 *l.* to be paid out of the first Money which shall be raised for the said *Duty*.

AND I humbly propose there may be a *Clause* for borrowing 8000*l.* on the *Credit* of the said ACT, or such further Sum as this HONOURABLE HOUSE shall think fit, towards carrying on the said Work, and to be advanced as the same goes on: And the further Charges of the said Work, my *Self* and *Friends* will advance, till the same be compleated.

AND that the remaining 13000 *l.* of the said 21000*l.* shall lie as a *Deposit*, in such Hands as this HONOURABLE

House shall appoint, 'till the *Work* is compleated, and Reported so, by any *Survey* which shall be appointed by Virtue of the said ACT to View the same.

AND to induce this HONOURABLE HOUSE to Consider and Accept of this my PROPOSAL, I humbly offer, and am willing to lay before any *Engineer*, or other *Person* capable of Judging, that this House shall appoint (except such as have been, or are, or shall offer to be concerned in the said *Undertaking*) the *Method* I intend to take; which I doubt not will sufficiently demonstrate the effectual *Performance* of the said *Work*.

[N^o 4.] *Dagenham Breach.*
14, Novemb. 1715.

These are to Certify, that We having Surveyed the Works carried on by Mr. William Boswell, and the several Materials lying on the Place, which will be very Serviceable to any who shall speedily Undertake to stop this Breach. The Particulars with the Value thereof are as followeth, viz.

	Cost as Mr. Boswell affures Us.	May be worth to a New Undertaker in our Judgements.
T O Two Pair of Sluices, fixed with Gates to open and shut, of thirty Feet broad each, and proportionable lengths.	l. s. d. 600 0 0	l. s. d. 500 0 0
To 2500 Tons of Chalk, laid up at High-water Mark on both sides, at 21d. Per Ton. Labour included.	218 15 0	148 0 0
To Deals, Planck, Hurdles, &c.	80 0 0	40 0 0
To Wheelbarrows, Baskets, Shovells, Spades, and Pick-axes, &c.	30 0 0	15 0 0
To a Smiths Forge, fitted with Bellows, Anvill, Hammers, &c.	3 0 0	2 0 0
	931 15 0	705 0 0

The APPENDIX.

89

and
ated

ider
and
yson
(ex-
con-
to
e the

ch.

5.

orks

veral

icer-

ach.

b, viz.

y be

h to a

y Un-

aker in

udge-

cs.

s. d.

o o o

8 o o

o o o

o o o

o o o

o o o

o o o

o o o

Cost as Mr. Boswell affixes Us. May be worth to a New Undertaker in our Judgements.

Brought Over

To Piles, Timber, Baulks, &c. —————	931 15 0	705 0 0
To Maunds, and Hurdle Baskets, —————	60 0 0	20 0 0
To two Ginn-Barges, fixed with Ginns, &c. —————	20 0 0	10 0 0
To Nails, Bolts, Spikes, &c. —————	75 0 0	45 0 0
To thirty Loads of Hay. —————	15 0 0	7 0 0
To Hair and Crocass, &c. Baggs —————	30 0 0	20 0 0
	30 0 0	15 0 0

The following Works are fixed and appear to stand Firm, and in our Opinions the best Place to Work from. *Viz.*

The Land Wall from the West Side of the Works, to the first Piles, is One Hundred and Thirty Feet. —————	54 0 0	45 0 0
--	--------	--------

From the First Pile, as far as filled up to High-water Mark 78 Feet, fixed with Piles, Flaring Wings, &c. as follows, *viz.*

To 8566 Tons of Chalk at 17 d. per Ton —————	1093 12 10	851 0 0
To 73 Piles at 30 s. each —————		
To Cross Pieces, Braces, &c. —————		
To Iron Work —————		

To Labour and Work in fixing. —————
From thence where it is filled up to Low-water only, though the Piles reach above High-water 72 Feet *viz.*

To 6933 Tons of Chalk at 17 d. per Ton —————	1071 1 9	685 0 0
To 82 Piles at 50 s. each —————		
To Iron Work —————		
To Braces, Cross Pieces, &c. —————		

To Labour in fixing the same —————
From the Front of the Works on the West-side, to the Piles on the East-side of the Sunken Ships, is 80 Feet. From thence to the part filled up to High-water Mark, is 20 Feet. The Piles are large, reaching up to High-water Mark, though filled with Chalk but to Low water Mark, *viz.*

To 1926 Tons of Chalk, at 17 d. per Ton —————	321 3 6	121 0 0
To 20 Piles at 40 s. each —————		
To Cross Spalls, Braces, Iron Work, &c. —————		
To Workmanship, Labour, and fixing the same —————		

3696 18 1 | 2524 0 0

	Cost as Mr. <i>Boswell</i> af- sures Us.	l. s. d.	May be worth to a New Un- dertaker in our Judge- ments.	l. s. d.
Brought over	3696	18 1	2524	0 0
From thence as far as Piled and Filled to High-water Mark, is 175 Feet, viz.				
To 110 Piles at 30 s. each				
To Braces, Cross Spalls, &c.				
To Chalk &c. 13611 Tons, at 17 d. per Ton	1539	2 3	1238	0 0
To Labour in fixing it				
To Piling to the Land Wall 20 Feet				
To two Ships bought, of Five Hundred Tons each	520	0 0		
For Erecting other Buildings to fit them to answer the Design, and Loading them for Sinking	440	0 0		
To so much Expended for recovering a Da- mage, which happened to the Work in <i>August</i> last, by a violent great Storm	1500	0 0		
To so much Expended for recovering a Da- mage, which happened in <i>September</i> last, by another Storm	700	0 0		
	8396	0 4	3762	0 0

It is our Opinion, that these Works may have cost Mr. *Boswell*, the several Sums in the First Column, which he avers. But as the said Works now Stand, We believe them to be worth what is severally expressed in the Second Column, being in the whole Three Thousand Seven Hundred Sixty Two Pounds. So that any New Undertaker may very well afford to give more than Three Thousand Pounds to Mr. *Boswell* for the same.

Thomas Coram. Tho Crofts. James Salmon.

[N^o 5.]

A Calculation what the Breach in the Levells of Havering and Dagenham will cost Stopping, and making good the Walls.

A T the narrowest place in the Breach it is.	
330 Foot wide, in which ought to be	l.
sunk 21 Ships, each 16 Foot over, these	6300—
computed at 300 <i>l.</i> a Ship, made fit for sinking.	
Filling the said Ships, will require 21000	
Tonns of Chalk at 2 <i>s.</i> per Ton, Freight	2100—
Included	
To Warfing the same on both sides, with	
Piles, Plank, and making good the same	
with Chalk and Sand Baggs to Joyn the	2000—
Ships, at least	
To the making good the First Range of	
Piles, from the Ships Decks, to Low-wa-	
ter Mark, and filling the same with Chalk.	4000—
To the making good three Ranges of	
Piles and planking, to Land-Level, and	
Filling the same with Chalk, being 4 foot	6000—
high each Range	
To the making good three Ranges more	
of Piles and Planking, to full Height of the	
Work, being 4 foot each Range	4000—
To six Sluices, to carry off the Back-	
Water, at least	5000—
To making good the Walls, and for	
Lands ruined by the Breach	3000—
For Contingencies, and Accidents, which	3600—
may happen in performing this Work	36000—

Ex. this 5th Day of
July, 1714, with the
Original, per me
John Bendix.

The Calculate made by me
Thomas Hall.

N^o. 6.

[N^o 6.]

WE, *John Boswell, Edward Bohun, and Richard Walden*, do severally make Oath, That on the 25th day of *October*, one Thousand Seven hundred and Fifteen when *Mr. William Boswell*, the Undertaker for the stopping the Breach in the River Thames at *Havering and Dagenham*, in order to the Closing the same, Sunk Twelve Ships; he had at Work about One hundred and sixty Men but when the said Ships were Sunk, several of them were away, and would not obey the Master Workman's Command, saying they would not Work; so that there were not left at the said Work above Forty Men. And likewise that several Lightermen, whose Lighters lay Loaded with Chalk, for the Use of the said Works at that particular time (that time requiring more than ordinary) would not come and unliver where they were directed, but for Three or Four Days kept out and unlivered in Places where it did little or no Service.

Jurant 28^o. die Decembris

1715. coram me,

Laur. Hatsell.

John Boswell

Edward Bohun

The Mark (R) of *Richard Walden*

[N^o 7.]

Midx. ff.

SARAH Sich maketh Oath, that one Night very late *Tho. Parmy* (with whom she then lived as Servant) came home to his House at *Dagenham Breach*, and to his Wife, in a Joyful manner, that he had cut away the Booms of *Mr. Boswell's Sluices at Dagenham Breach*, and hoped the Gates would be gone by Morning: And the next Day she heard that *Mr. Wm. Boswell's Booms of*

Sluices

Sluices were cut, and his *Water-Gates* gone: And this Deponent farther maketh Oath, that Mr. *John Ward* and Collonel *Bennet* frequently came to the House of this Deponent's Master, *Tho. Parmy*, and Converſed privately in a Room with him, and the ſaid *Tho. Parmy* on all Occaſions ſent Accounts to them of any *Misfortunes* or *Loſs* that happened to Mr. *Boswell* in his *Undertaking*.

Jurat 19. die Martii.

Anno Dom. 1715.

coram me

Sarah Sich
her S Mark.

Robert Kyrby.

[N^o 8.]

EDWARD Bohun of *Beckells*, in the County of *Suffolk*,
Mill-Wright, *John Reynolds* of *Poplar*, in the Coun-
ty of *Middleſex*, Carpenter, *Richard Walding* of *Bow*,
in the ſaid County of *Middleſex*, *Waller*, and *John Stow* of
Leptford, in the County of *Kent*, Ship-Wright, make Oath,
that theſe Deponents (having had great Experience in
Water-works, *Damms*, *Sluices*, &c.) were Employed laſt
Summer by Mr. *Boswell*, as his Maſter Workmen, in his
Undertaking to ſtop the Breach at *Dagenham* in the Coun-
ty of *Effex*; and theſe Deponents ſay, That the Works of
the ſaid Breach were carried on, the laſt Summer, in
workman-like manner, Strong and Subſtantial, from
each ſide of the Gulf or Breach, about Five hundred Feet
wide, to within thirty one Feet of Joyning in the middle;
and to the Good liking of many Ingenious Perſons, ſkilful
in thoſe Affairs, that have viewed the ſaid Works; which
continued Five Weeks, till a violent raging High Tide and
ſtiferous Weather occaſioned ſome Foot Piles to trip
up, by the waſhing the Channel Deeper. But ſay, that all
theſe Interruptions would have been repaired, and the
ſaid Work effectually compleated, had Mr. *William Bos-*
well had Money to Defray the Charges thereof. And

M

theſe

[N^o 6.]

WE, *John Boswell, Edward Bohun, and Richard Walden*, do severally make *Oath*, That on the 25th day of *October*, one Thousand Seven hundred and Fifteen when Mr. *William Boswell*, the Undertaker for the stopping the Breach in the River *Thames* at *Havering* and *Dagenham*, in order to the Closing the same, Sunk Twelve *Ships*; he had at Work about One hundred and sixty Men but when the said *Ships* were Sunk, several of them were away, and would not obey the Master Workman's Command, saying they would not Work; so that there were not left at the said Work above Forty Men. And likewise that several Lightermen, whose Lighters lay Laden with *Chalk*, for the Use of the said Works at that particular time (that time requiring more than ordinary) would not come and unliver where they were directed, but for Three or Four Days kept out and unlivered in Places where it did little or no Service.

Jurant 28^o. die Decembris

1715. coram me,

Laur. Hatsell.

John Boswell

Edward Bohun

The Mark (R) of *Richard Walden*

[N^o 7.]

Midx. fl.

SARAH Sich maketh *Oath*, that one Night very late *Tho. Parmy* (with whom she then lived as Servant) came home to his House at *Dagenham Breach*, and to his Wife, in a Joyful manner, that he had cut away the Booms of Mr. *Boswell's* Sluices at *Dagenham Breach*, and hoped the Gates would be gone by Morning: And the next Day she heard that Mr. *Wm. Boswell's* Booms of

Sluices

Sluices were cut, and his *Water-Gates* gone: And this Deponent farther maketh Oath, that Mr. *John Ward* and Collonel *Bennet* frequently came to the House of this Deponent's Master, *Tho. Parmy*, and Converſed privately in a Room with him, and the ſaid *Tho. Parmy* on all Occaſions ſent Accounts to them of any Misfortunes or Loſs that happened to Mr. *Boswell* in his Undertaking.

Jurat 19. die Martii.

Anno Dom. 1715.

coram me

Sarah Sich
her S Mark.

Robert Kyrby.

[N^o 8.]

EDWARD Bohun of Beckells, in the County of Suffolk, Mill-Wright, John Reynolds of Poplar, in the County of Middleſex, Carpenter, Richard Walding of Bow, in the ſaid County of Middleſex, Waller, and John Stow of Deptford, in the County of Kent, Ship-Wright, make Oath, that theſe Deponents (having had great Experience in Water-works, Damms, Sluices, &c.) were Employed laſt Summer by Mr. Boswell, as his Maſter Workmen, in his Undertaking to ſtop the Breach at Dagenham in the County of Eſſex; and theſe Deponents ſay, That the Works of the ſaid Breach were carried on, the laſt Summer, in Workman-like manner, Strong and Subſtantial, from each ſide of the Gulf or Breach, about Five hundred Feet wide, to within thirty one Feet of Joyning in the middle; and to the Good liking of many Ingenious Perſons, ſkilful in thoſe Affairs, that have viewed the ſaid Works; which continued Five Weeks, till a violent raging High Tide and diſturous Weather occaſioned ſome Foot Piles to trip, by the waſhing the Channel Deeper. But ſay, that all theſe Interruptions would have been repaired, and the Work effectually compleated, had Mr. William Boswell had Money to Defray the Charges thereof. And

M

theſe

these Deponents further say, That the said Works done by the said Mr. Boswell (as they now stand) are in a very great forwardness for the compleat stopping the said Breach, and is much the best Place to begin from; and great deal of Time and Charge will be thereby saved, from what it will cost to begin from any other Place without the said Works. And these Deponents do all of them say That on the Fourth Day of November last, John Ward Hackney, Esq; came to the said Works, and asking many Questions of these Deponents touching the same, this Deponent, Edward Bohun, asked the said Mr. Ward, If there was not a Court to sit that Day, relating to the said Breach (or Words to the same Effect) To which the said Mr. Ward answered, Yes: And further said, he had Business in the Country, and should not or could not be there. Nevertheless these Deponents apprehended the said Mr. Ward to be an Enemy to the said Mr. Boswell, for several Reasons particularly for that on the Seventh Day of the same November, several of the Commissioners or Trustees (for stopping the said Breach) came to Survey the Works thereof. And these Deponents (perceiving some of the said Commissioners to find Fault with the Works, where there was not the least Reason for it) humbly offered their Reasons for the Convincing the said Commissioners, and were giving them a true Light of the Matter; when the said Mr. Ward was seemingly Disturbed at it, and held out the Boat-Hook-Staff, which was in his Hand, at some of these Deponents, in a threatening Manner, calling them by ill Names, bidding them hold their Tongues, for he would not come to talk with such Fellows as were these Deponents, or used Words to the very same Effect.

Omnes Jurati. 15th Die Decembris
1715. Coram me. Mro Canc.

Tho Gery.

Richard (R) Walden
John Stow, junior.

Edw. Bohun
John Reynold
The Mark

[N^o 9.]

Do humbly Certifie, That I have been often down the River of *Thames*, and have view'd the Work which Mr. *William Boswell* had undertaken to stop the Breach at *Dagenham*, in the County of *Essex*: And it is my Opinion, that the same was carried on in a Vigorous, and Workman-like Manner, firm and strong. Witness my Hand, this 4th of *June*, 1715.

J. Naish.

The Gentleman who does above Certifie, was Master Shipwright of His Majesty's Yard at *Woolwich*; and is now in the same Station, in his Majesty's Yard at *Portsmouth*. And is accounted a very able Mathematician.

WE whose Names are here-under subscribed, being Master Shipwrights, and other Artificers, &c. Do humbly Certifie, That we have been often down the River of *Thames*, and have viewed the Work which Mr. *William Boswell* had carried on, in his Undertaking to stop the Breach at *Dagenham*, in the County of *Essex*. And we are humbly of Opinion, that the same was in Workman-like manner, as such an Undertaking required. And do verily believe, that had not the *Abingdon*, an *East-India Ship* (which he had prepared to sink in a Vacancy of Thirty Foot, whereto the Work was brought) been, by some Accident, sunk at her Moorings: and unusual high Tides and Storms, which happened the latter Part of the Summer; that the said Work had been entirely and effectually compleated. And we are further humbly of Opinion, That if he pursues the Model which he has shewn to us, of carrying on the

said Undertaking (by Additional Work occasioned) by sinking of two Ships instead of one, that the said Undertaking will, every Point, be fully accomplished. Witness our Hands, this tenth Day of November, 1715.

John Burchett, Shipwright.
 John Freame, Shipwright.
 John Dalton, Shipwright.
 Thomas Crofts, Shipwright.
 Jonathan Gardner, Shipwright.
 Thomas Coram, Shipwright.
 William Partridge Shipwright.
 John Lucas, Shipwright.
 Richard Burchett, Shipwright.
 John Crosby, Shipwright.
 Ralph Richardson, Shipwright.
 William Hoar, Shipwright.
 William Ogle, Shipwright.
 J. Salmon, Shipwright.
 William Wood, Joyner and Builder.
 Richard Harrison, Bricklayer.
 Samuel Foulter, Bricklayer.
 Joseph Parsons, Carpenter.
 William Cooper, Mason.
 Edward Bohun, Millwright.
 Bartholomew Sparuk, Carpenter.
 John Norman, Carpenter.
 Benjamin Girol, Carpenter.
 Henry Newbery, Carpenter.
 William Brown, Carpenter.
 Isaac Brivinckx, Carpenter.
 Thomas Nichols, Bricklayer.

[N^o 10.]

THE Under-written Deponent maketh Oath, That at or upon the 25th of July 1715, the Works at Dagenham Breach requiring more than ordinary Looking after (that being the Time of a Spring Tide) the Workmen and Carpenters did attend according to their Orders, given the Saturday before, and twelve Lighters loaden with Chalk, and a sufficient Number of Ginn Barges, were also in a readiness for that Service. But this Deponent saith, that John Reynolds, one of Mr. Boswell's Foremen, then sitting at Parmy the Sutler's Door, called in the said Carpenters and Labourers, to spend their Six-pence a-piece, where he promoted Drinking, till most or all of the Men were Drunk. And when Edward Bohun the other Foreman, at that Time employed about the Sluices, pressed the said Reynolds to let the Men go to Work, he continued to Detain them, so that they did not Work that Day, whereby this Deponent believes great Damage was done to the Works, to the Value of some Hundreds of Pounds. And this Deponent further saith, that the foresaid Reynolds did Drive several Piles without fastening them, as he ought to have done. And that when Mr. Boswell was gone to London or elsewhere, he the said Reynolds did frequently absent himself from the Breach a whole Day together, and sometimes longer, whereby the Works came to be neglected, and the Men not looked after as they ought to have been. And this Deponent verily believes, Mr. Boswell did not know of the said Reynolds his so absenting Himself, the Men not daring (as this Deponent conceives) to Inform against the said Foreman, Reynolds, for fear of loosing their Business under him.

Witness John Hughes.

Jurat. Coram me

8ber 25th, 1716.

The Mark of
Thomas Battorme.

Tho Wilson.

POST-

P O S T S C R I P T.

SINCE the *Date* of the foregoing *Letter*, and whilst the *Appendix* was in the *Press*, I have waded much deeper into this *Affair* of the *Breach*, and have made further Discoveries, and drawn together fresh Proofs, and stronger Evidence; which, with the Facts that have arisen in Course of Time, since the latter end of *November* last, I am now to give you an Account of; according to the Promise I made You, and in compliance with your Request, which with me shall always have the Force of a Command.

When we last talked over this Extraordinary Subject, you were pleased to observe, that though there was a good deal of Reason to suspect, that some of the *Trustees*, especially those belonging to the *Trinity-House* and the *Commission of Sewers*, were concerned as Partners or Sharers with *Perry*, in his present *Undertaking* of the *Breach*; yet it would be expected, that some more particular and direct Proof should be made of this; and where the Suspicion was so strong, and so many seemed to be Affected by it, you could not help being under some Surprise, that no one *Trustee* had yet owned or acknowledged the making or rendring of such an Offer by *Perry*; which, they, who had Honour enough to reject, would be as forward to disclose: For as for those, who had no more Conscience than to accept of such a Bargain, it could never be hoped they should reveal a Secret, that branded themselves with so much Infamy; at least not yet, whilst the Under-Operators observed a strict Obedience to their Leaders, and no Quarrel was like to happen about dividing of the Bear's-Skin. Now, Sir, you are desired to take Notice, (for I must use a little *Prefacing*, before I directly answer you) that when some of your oppressed Country-men, once *Land-owners* in the

the *Levels*, were reduced to those wretched Circumstances, as to see their Fertile Acres under Water; and after that, the very *Fee Simple* and Property of them sunk and swallowed up for ever, by a Tax from the *Commissioners* of *Sewers*; who had let Mr. *Ward* in upon us, the worst and most devouring *Torrent* that ever any *Levels* were visited with. When, after this, we had some respite given us, and were allowed a Term of *five Months*, in which to Redeem our Estates; but had neither Power nor Interest enough to bring Mr. *Ward* to an Account, for the Charge that was laid upon them, and the Considerations for which they were Sold; then it was that we found our selves inevitably ruined, our *All* lost and gone, and were made truly Sensible, that the Floods and Storms were kinder to us, than our Fellow Creatures. Mr. *Ward* is now in Possession of most of our Lands; and thinks himself safe and secure, since we have lost the Benefit of the *Clause of Redemption*, because he was at that time above being Accountable to us: And should he ever be brought to Account hereafter, perhaps he will plead, as he did the other Day, in One of his *Desperate Causes* in *Chancery*, That his Writings and Accounts were Lost and Burnt in the Great Fire in *Thames-Street*. Since then, he who was once our *Contractor* and *Workman*, and was so well paid for doing nothing, hath made his Fortune by our Calamities; and now Triumphs over us, his Contemptible Bubbles, whose Lands he has got from the Owners, because he could not recover them from the Flood; and now the Lands are his, must have them recovered at a Publick Charge; he cannot certainly blame us, if (as he is the Winner and may freely Laugh) we claim the Priveledge of Loofers, and desire leave to Speak. This Appeal therefore to the Honour and Conscience of all Mankind, is our last Refuge; and there is all the Reason in the World we should Caution our Fellow-Creatures against a Man, of whom we have had such Extraordinary Experience; and after all, whatever

ver becomes of us, and though our Case should appear Desperate and Incapable of Redress (as we hope it is not) yet there are others Interested in this Affair, whose Hardships and Injuries were brought upon them, in some measure, for our Sakes, and are of that deplorable Nature, that they do not only seem to Plead for and Solicit, but even to require and demand Justice and Satisfaction; which Expressions, however Bold and Confident, we are not afraid to make use of, under the Present Happy Constitution; and if we can be Instrumental in procuring Justice to be done upon the worst of Offenders in a Private Cause, and some Redress for the Wrongs and Injuries of others, it will be no small Consolation to us under our own. Accordingly when we came to a Resolution of making this Affair Publick (for, Sir, I will now let you into the Reasons, why the Letter sent to you came to be Printed) some of us applied to Mr. *William Boswell*, in order to get out of him all that he knew of Mr. *Ward*, and of the Proceedings at the *Breach*; and to procure Copies or Abstracts of what Original Papers he had in his Hands. *Boswell* had been much our Freind, because he had certainly recovered our Lands, unless prevented by the vilest and most abominable Treachery in Nature. He had suffered in his Private Fortunes, more than any of us, and therefore we pittied him; though his Case did not seem to be quite so Desperate and Remedyless as ours. We assured him that his Name should be made use of to his Advantage, and his own particular Hardships and Wrongs more exactly and minutely stated and laid before the World, than those of any other Sufferer; that he might depend upon our Friendship and Sincerity; whose desire was, that the Authors and Abettors of all Frauds and Abuses at the *Breach*, might be brought to Justice; and whose Interest it was, that he should be restored to the Work, who was so well Qualified to perform it. Notwithstanding all this, *Boswell*, who had met with so much Treacherous

ous

ous and unfair Usage, was grown very shy and reserv'd; and though he had no Reason to believe, that any *Old Land-Owner* in the *Levells* could be Mr. *Ward's* Friend, yet more Arguments than that, and many Artifices were made use of, before he would suffer his *Papers* to be Copied, or a *Narrative* to be taken of all the Facts, Passages, and Circumstances, relating to the *Breach*, ever since he came to be concerned in it. I hope he has not yet found any Reason to be sorry, for that Share of Confidence he at that time reposed in us: But however that be, this I am sure of, that he has not yet shewed us all his *Papers*, nor disclosed to us all his Evidence; and therefore I cannot be so particular, as perhaps you may expect, in answering You, as to the Proof that may be demanded of *Perry's* making an Offer to any one or more of the *Trustees*, to be concerned with him in his *Undertaking*. But this in General I can venture to Assure you of, that in due Time and Place, Proof will be produced of such an Offer made by *Perry*, to one or more of the *Trustees*; for indeed several of them have owned as much, before sufficient Witnesses; though there is no doubt but such Gentlemen, as had Honour enough to reject the Offer, will be equally Just to attest the making of it. Now can you imagine, Sir, that this Creature, *Perry*, could be so intolerably Weak, or so insufferably Impudent, as to make an Offer of this Kind to Gentlemen he was not well acquainted with (which in other Terms was to ask them, to betray their Trust, upon a valuable Consideration) unless he had been back'd and encouraged by others, in an Attempt of this Kind; and had found some ready enough to comply with so Scandalous and Dishonourable a Proposal: And if this be so, do you think, any thing I am able to say, can add to the ill Opinion You and all honest Men will have of those, who have no more Regard for Honour and Conscience, than to make their private Markets of a Trust, which hath been Re-

N

posed

ver becomes of us, and though our Case should appear Desperate and Incapable of Redress (as we hope it is not) yet there are others Interested in this Affair, whose Hardships and Injuries were brought upon them, in some measure, for our Sakes, and are of that deplorable Nature, that they do not only seem to Plead for and Solicit, but even to require and demand Justice and Satisfaction; which Expressions, however Bold and Confident, we are not afraid to make use of, under the Present Happy Constitution; and if we can be Instrumental in procuring Justice to be done upon the worst of Offenders in a Private Cause, and some Redress for the Wrongs and Injuries of others, it will be no small Consolation to us under our own. Accordingly when we came to a Resolution of making this Affair Publick (for, Sir, I will now let you into the Reasons, why the Letter sent to you came to be Printed) some of us applied to Mr. *William Boswell*, in order to get out of him all that he knew of Mr. *Ward*, and of the Proceedings at the Breach; and to procure Copies or Abstracts of what Original Papers he had in his Hands. *Boswell* had been much our Friend, because he had certainly recovered our Lands, unless prevented by the vilest and most abominable Treachery in Nature. He had suffered in his Private Fortunes, more than any of us, and therefore we pitied him; though his Case did not seem to be quite so Desperate and Remediless as ours. We assured him that his Name should be made use of to his Advantage, and his own particular Hardships and Wrongs more exactly and minutely stated and laid before the World, than those of any other Sufferer; that he might depend upon our Friendship and Sincerity; whose desire was, that the Authors and Abettors of all Frauds and Abuses at the Breach, might be brought to Justice; and whose Interest it was, that he should be restored to the Work, who was so well Qualified to perform it. Notwithstanding all this, *Boswell*, who had met with so much Treacher-

ous

ous and unfair Usage, was grown very shy and reserv'd; and though he had no Reason to believe, that any *Old Land-Owner* in the *Levells* could be Mr. *Ward's* Friend, yet more Arguments than that, and many Artifices were made use of, before he would suffer his *Papers* to be Copied, or a *Narrative* to be taken of all the Facts, Passages, and Circumstances, relating to the *Breach*, ever since he came to be concerned in it. I hope he has not yet found any Reason to be sorry, for that Share of Confidence he at that time reposed in us: But however that be, this I am sure of, that he has not yet shewed us all his *Papers*, nor disclosed to us all his Evidence; and therefore I cannot be so particular, as perhaps you may expect, in answering You, as to the Proof that may be demanded of *Perry's* making an Offer to any one or more of the *Trustees*, to be concerned with him in his *Undertaking*. But this in General I can venture to Assure you of, that in due Time and Place, Proof will be produced of such an Offer made by *Perry*, to one or more of the *Trustees*; for indeed several of them have owned as much, before sufficient Witnesses; though there is no doubt but such Gentlemen, as had Honour enough to reject the Offer, will be equally Just to attest the making of it. Now can you imagine, Sir, that this Creature, *Perry*, could be so intolerably Weak, or so insufferably Impudent, as to make an Offer of this Kind to Gentlemen he was not well acquainted with (which in other Terms was to ask them, to betray their Trust, upon a valuable Consideration) unless he had been back'd and encouraged by others, in an Attempt of this Kind; and had found some ready enough to comply with so Scandalous and Dishonourable a Proposal: And if this be so, do you think, any thing I am able to say, can add to the ill Opinion You and all honest Men will have of those, who have no more Regard for Honour and Conscience, than to make their private Markets of a Trust, which hath been Re-

posed in them by their Country. No wonder such *Trustees* are so constant in their Attendance, so lavish of the Publick Money, and so unanimous in their Zeal for *Perry*: For just so have I seen two or three Illustrious *Knights* of the *Green-Cloath* get themselves made *Proxies* at Play, and so set other Peoples Money briskly; that when the *Game* was done, and the Company retired, they might Divide the *Spoil* with their *Brethren*.

I believe, *Sir*, I shall add considerably to your Wonder and Surprize, when I acquaint you further, that other Offers of the same Nature have been made, in good Neighbourhood; and on that Occasion *Perry*, who had then no such fast hold of the Purse-strings, was not thought an Agent of consequence enough to drive such a Bargain. No less than two Honourable *Trustees* condescended to take upon themselves this mean Office, and these were Mr. *Ward* and Coll. *Bennet*; who offer'd a truly Honourable *Trustee*, Coll. *Coote*, a Thousand Pounds, upon Condition he would come into their Measures; which the Collonel not only rejected with contempt, but like the Man of Honour he hath always been, disclosed this Piece of Treachery to a Committee of the Honourable House of Commons. 'Tis true, Collonel *Bennet* did say something in answer to this Charge, by way of Abatement and Excuse; and I will do him the Justice to Affirm, that I verily believe the Apology he made (such as it is) was altogether his own Contrivance: For he would have insinuated, that truly *Their Measures* were most likely to stop the *Breach*; so that if Collonel *Coote* would come into *Their Measures*, and the Story should be made, then it would be as good as a Thousand Pounds to him; he having Lands in the *Levells* which would thereby be recovered from the Flood and restored to him. Thus far Collonel *Bennet*: And this Amusement might serve a Turn for three or four Minutes, provided the Cause were never to be revived any more: For both *He* and Mr. *Ward* knew very well

that this Inquiry came in only by the Bye ; that the Main Affair of the *Breach* was not then directly before the *Committee*, that it dropt, as it were, by Consent, without a *Report*, and was design'd in Reserve for another *Session* ; so that neither *He* nor Mr. *Ward* were to be Confronted with Collonel *Coote*, nor any Reply to be made to this most elaborate and surprizing Excuse. For if that had happened, Mr. *Ward* and Collonel *Bennet* would perhaps have been told, that Collonel *Coote* has really no Land in the Overflowed *Levells*, tho' a Relation of his has about three *Acres*, which are entirely at the Disposal of the Person now in Possession of them ; always provided, that Mr. *Ward* and his *Commissioners* of *Sewers* have not over-loaded them with Taxes (as most certainly they have) or perhaps Sold them (which is not unlikely.) For then who is like to be the better for these *Three High-priz'd Acres*, none but themselves can be able to Inform You. I must own, *Sir*, I am ashamed of repeating such egregious Trifles : For what's all this to the Offer of a *Thousand Pounds* ? Or can any Mortal imagine, that a Gentleman of that very good Sense and Discernment, of which Collonel *Coote* is allowed to be Master, cannot easily see the Difference between a Down-right *Bribe* in Moneys Numbred, and (such an *Argument* drawn from the Prospect or Consideration of any future Interest or Advantage. This Charge therefore, which is of a very Black and Hainous Nature, must still stand out in its full Force against these Two *Honourable Trustees* ; and when it comes to be reviv'd in due Form, I suppose it will be expected that they should come provided with a better Answer. For I don't Question, but Mr. *Ward* has by this time assur'd his Friend, Collonel *Bennet*, that such Kind of *Apologies* are all together as Forcible, tho' not quite so Graceful, as a Free and Open *Confession*.

I believe, *Sir*, among all those, who are intimate with Mr. *Ward*, or Collonel *Bennet*, or with their Cha-

raſters, there is not one, who will not appear more ſurpriz'd at Mr. *Ward's* Share of Conduct in this Matter, than at Collonel *Bennet's*. That Gentleman's dexterous Penetration and Sagacity uſed to ſet him much above a Miſtake of this wretched fort; or whenever he Blunder'd, 'twas not his Cuſtom to do it in ſo vulgar and courſe a Manner. I have heard both at the *Bank* and *Blackwell-Hall*, as alſo among the Dealers in *Hemp* and *Sail-Cloath*, but eſpecially thoſe, who are concern'd in the *Allom-Trade*, that no Man can get over a Difficulty, or buſtle through a Scrape, with more Eaſe and Agility than himſelf, and that he is Maſter of all the Foreſight and Cunning, that is neceſſary to defeat an Enemy in the Purſuit, and to hinder his being trac'd or detected in any of his ſecret Deſigns or Intreagues of Intereſt. *Boswell* looks upon him with Awe and Terror in the Requeſt, and hath been taught his Diſtance by very convincing Experiments; and yet as plain a Mechanick as he is, he was once ſet on by his Friends, to ſing Mr. *Ward's* Pulse, and to try his Temper and Byaſs upon the Article of his own private Advantage. Accordingly, about the Time of his endeavouring to make a ſecond Contract with the *Truſtees*, he viſited Mr. *Ward* at *Hackney*; and among other Things that paſſed between them in Diſcourſe, *Boswell* was pleas'd to ſay, *He was as ready, and as willing, to thank any Friend, or to be grateful to any Gentlemen, who ſhould ſtand by him, as his Competitors, or as any other Man, upon whom Mr. Ward could beſtow his Favours.* This he often repeated, or Words to the ſame Purpoſe; and theſe Expreſſions procur'd him for the Time a very kind Reception, a very handsome Entertainment, low Bows, ſmiling Looks, and Services and fair Promiſes in abundance. But the direct Anſwer that was made to what *Boswell* advanc'd, conſiſted no more than this—*Sir, My Counting-Houſe is in Stocks-Market* — If he drank to *Boswell*, ſtill he aſſur'd him—*That his Counting-houſe was in Stocks-Market*—or *El*

If he shook him by the Hand—*Still his Counting-house was in Stocks-Market.*— And when he took his Leave— *Well, Mr. Boswell, you know my Counting-house is in Stocks-Market.*— *Boswell* was not so perfectly unacquainted with the Ways of the World, as to overlook the Meaning of this Emphatical *Eccho* ; but he had more Honour (though a *Mechanick*) and more Conscience (tho' his *ALL* was at Stake) than to take a Step in Compliance with such an Invitation. He had made the Experiment he propos'd to make, and therefore never set Foot in Mr. *Ward's* Counting-house, nor ever directly or indirectly treated with him further upon this Article. However, when all was over, and *Perry* had got the *Breach*, Mr. *Ward's* Clark meeting *Boswell* at a Tavern near *Stocks-Market*, did not fail to upbraid him with his Folly ; and assur'd him, that if he had come according to his Master's Invitation, he had certainly been admitted to the Undertaking. But whatever Notion that Gentleman (as a Retainer to Mr. *Ward*) may be pleas'd to entertain of Folly, yet the Guilt of that sort, which *Boswell*, in this Casuist's Opinion, hath incurr'd, he never did, nor can, repent of ; and if he never should, yet he still hopes the Publick will be Good-natur'd enough to forgive him.

Sir, There are two Bodies of Men of whom I have made frequent Mention in my *Letter*, and these are the *Trinity-house Masters* and *Commissioners* of *Sewers*. I think this a proper Time to acquaint you with a *Secret* or two, and to make some further *Observations* upon the Conduct, Temper and Disposition of the Gentlemen concern'd in either of these Capacities. You are to know, *Sir*, That whoever is a *Commissioner* of *Sewers*, has, in that Capacity only, a very considerable Power and Interest at the *Breach*. Nor is there much less Power and Interest belonging to a *Trinity-house Master*, or *Elder-Brother*, on the same Account ; the Navigation

tion of the *River* being to nearly concern'd in the *Breach*, and the Care of that *Navigation* in a great Measure entrusted with the *Society of the Trinity-House*: And neither these Rights of the *Trinity-House*, nor those of the *Commissioners of Sewers*, are taken away by the *Act*, which erects a New *Trust* or Power, distinct from the other *Two*. This being the Case, where one and the same Gentleman happens to be a *Trustee*, a *Commissioner of Sewers*, and it may be a *Land Owner* into the bargain; or where one and the same Gentleman happens to be a *Trustee*, and a *Trinity-House-Master*, as I think there are some Instances of all three Powers, that by the *Act*, that of the *Trinity-House*, and that of the *Commission of Sewers*, being united in one and the same Person, every such Coalition of distinct Powers renders those, in whom these Powers are united, an Over-match for the rest who meet and sit at the same Board. Hence it is that these Gentlemen, who are of the meanest Quality, and of the least Fortunes and Estates of all the *Trustees*, have yet the greatest Power at the *Breach*, by reason of their double and treble Capacities, all relating to the same Business. Hence it is, that they have taken upon themselves the entire Management of this Affair, from first to last, under the leading of Mr. *Ward*; who is a *Trustee*, a *Commissioner of Sewers*, and a *Land-Owner*. And this perhaps was one of the Reasons, why the many Gentlemen of Honour and Fortune, who never had any thing to do at the *Breach*, till they were nam'd as *Trustees* in the *Act*, and who, for that very Reason, were certainly the properest and most impartial Judges in this Affair, thought fit to leave the entire Management of the *Trust* to those, who were so ready to take it upon them, and who, in their other Capacities, had been so long acquainted with the *Breach*, before the *Act* was made; and under whose Direction, all former Proceedings at *Dagenham* were transacted. But, *Sir*, I must observe to you further

ther, that the Place of a *Trinity-house-Master*, is a Place of Profit; and some Gentlemen have of late made the Place of a *Commissioner of Sewers*, very Profitable as well as the other, or else the *Citizens of London* are widely mistaken in their Calculations. Now the Place of *Trustee* ought to be Free from all Considerations of this Kind: But where this Capacity (as I observed) comes to be joyned with one, or both, of the *other Two*, and all relating to the same Business, the Question is, whether the *Honour* of the *Trustee* is most likely to swallow up the *Profits* of the *Commissioner of Sewers* or of the *Trinity House-Master*; or whether the *Profits*, *Hopes* and *Expectations*, that belong to these *two Capacities*, may not in some measure affect the *Honour* of the *Third*, which ought to be the most disinterested; or whether, lastly, the *Rights* and *Decorums* of each Office are kept up distinctly, and separated with so much exactness, though meeting in one and the same Gentleman, that they never mingle or interfere with each other. This certainly is the Case with some of the *Trinity House-Masters* and *Commissioners of Sewers*, who are Men of Worth and Probity; but they have appeared but seldom, too seldom indeed in this Affair: And for the rest, let the World judge, whether, supposing these Men were the first in Quality and Estates of all the *Trustees* in the *List*, (as they are the meanest in both respects) they would not still appear to be, on account of these *Temptations* and *Byasses*, by far the most unqualified to put a Trust of this high Nature in Execution. Certainly, Sir, since the *Breach* appeared to be so wretchedly Managed, whilst the Care of it was altogether in the Hands of the *Commissioners of Sewers* and *Trinity House-Masters*, that the Publick thought it necessary to appoint other and better *Trustees* in this Affair; it could never be supposed, that when some of these very *Trinity House-Masters* and *Commissioners of Sewers* had the Favour to be made *Trustees*, they should, in Virtue of this

new

new Power, begin to manage so very uprightly all on a suddain, as thereby to engross the Sole Care of the *Breach* to themselves, for so in effect they have done : And when, *Sir*, you recollect the Facts and Passages I have formerly laid before You, what I now Offer, by way of Observation upon this mixture of Offices, all relating to one and the same Business, and not by way of *Cheque* (for no Man is a proper *Cheque* upon Himself) will hardly appear to be altogether a *Dry Moral*, or meer *Theory* and *Speculation*. But I am now to acquaint you with a *Fact* or two, which will strike a much stronger Light upon these *Observations*, and readily shew You, with how much Ease they are reducible to Practice.

Notwithstanding the *Breach* hath been carried on at a Publick Charge, for more than two Years last past ; yet are not the heavy Hands of the *Commissioners* of *Sewers* taken off from the *Poor Land-Owners* and Private Sufferers ; which is what perhaps the Gentlemen of your *House* are not yet acquainted with. For, *Sir*, Mr. *Ward* and other *Trustees*, who are also *Commissioners* of *Sewers*, do constantly and almost every *Saturday*, meet their Brethren at *Ilford* as formerly, and there Transact the Business of the *Breach*, by a Power distinct from that contained in the *Act* ; and of these Meetings no Account is taken by the *Court of Trustees* at *Guild-hall*, from whose Jurisdiction they pretend they are exempted. Here they lay Taxes, make Decrees, sell Estates, and order Payments to be made to Mr. *Ward* as usual : Who, in effect, Pays and Receives at the same time. For you are to know, *Sir*, That all these mighty Powers are really comprehended in that terrible *Commission*, the *Commission of Sewers*. Perry most commonly attends at these Meetings ; and 'tis not Two Months ago, that a considerable Sum of Money was actually paid, at one of these Courts, to Mr. *Ward*, on Account of the *Breach*, over and above the 28000 *l.* he had received before ; and to what a Sum his Receipts are by this time

advanc'd

advanced, none but the Officers of these *Courts*, if they will submit themselves to your Jurisdiction, can be in a Condition to inform You. At the time of Mr. *Ward's* receiving this Money, there happened something, which in the Opinion of the *Land-Owners*, then present, seemed, amidst all their Sufferings, to carry with it very much of the Air of *Low-Comedy* and *Farce*. The *Landlord* of the *Angel*, where they Meet, had it seems a Demand upon them in *Chalk*, and desired they would be pleased to pay his *Score*, which I think amounted to more than 40 *l*. But he was put off with a Promise, that when the *Breach* was stopt, he should be paid all: and to make him easy, Capt. *Perry*, with great Gravity, assur'd him, that the *Breach* would certainly be stopt by *July* next. Here, *Sir*, You have such a Mixture and Confusion of Powers and Proceedings, as is enough to darken any Account, and Stifle any Enquiry, by rendring it to the last Degree perplexed and intricate. Here you see the *Parliamentary Trust*, and *Commission* of *Sewers*, finely jumbled together; a *Publick Tax*, and a *Private*, jogging on briskly together, whilst the *Works* stand stock-still; a *Contractor* under the *Courts* at *Guild-hall*, doing Suit and Service to those at *Ilford*; and a *Tavern-Score* left to be paid, out of the Moneys granted by *Parliament*: But I hope, *Sir*, Your Prudence, Judgment, and Vigilance, will help to drive away these Mists, and remove these Obstructions; that you may find a Clue to this *Labyrinth*, and trace the Intreague through all its *Mazes*; that the *Monster* may be brought out into open Day-light, and exposed in its proper Colours and Deformities.

As to the Gentlemen of the *Trinity House*, their Powers, Interest, and Priveledges, cannot be so well known, because indeed they are not altogether so fit to be reveal'd, the Possessors of them being Sworn to Secrecy. Whence they frequently take an occasion to Talk big of their Power, because they know the Men they have to
O deal

deal with, cannot so readily tell whether they have such a Power or no, as they often pretend to. And this sometimes helps them to considerable Advances, in the way of their Authority; for they make as many Precedents of this sort as they can. When so many of them came to be made *Trustees* for Executing the Act, *Boswell*, though he was a *Contractor* for the Publick, and had agreed with them as *Trustees*, yet because he did it in Opposition to their Freind, Mr. *Ward*, found them very troublesome to him in their other Capacity of *Trinity-House-Masters*. For after he had Contracted to remove and carry away the *Shelf* or *Sand-bank*, at the Mouth of the *Breach*, which was adjudged to be the Main Obstruction to the *Navigation* of the *River*; these Gentlemen, at his first going to Work, forbid their Under-Officers, Agents, and Servants at the *Trinity-House*, from employing any of their Vessels, and themselves from entring into any *Contract* with *Boswell*, for removing this *Sand-bank*: And at the same time they sent to *Boswell*, to threaten him, that if he offered to put any Part or Parcels of the *Sand-bank* on Board any Vessels, they would Sue him for Invading their Rights and Privileges; the sole Property of *Ballast* being vested in them by *Patent*. I can assure you, Sir, they continued a good while in this Temper, before they could be prevailed with to alter it; and how could *Boswell* remove or carry away the *Sand-bank*, if he were not to put the least Part of it on Board any Vessel in the *River*? So that here was a plain Design in these Gentlemen, to hinder the removing of an Obstruction, which was adjudged to affect that very *Navigation* of the *River*, which it was the proper Business of their *Society* to preserve; and also to defeat, in one Capacity as *Trinity-House-Masters*, that very *Act* of *Parliament*, which, in their other Capacity as *Trustees*, they were obliged to Execute. I shall use no severe Reflections upon this sort of Conduct; the rather, because the Gentlemen themselves seemed to

Con-

Condemn it, by receding from it some time after, being not perhaps well secured against the ill Consequences of such a Proceeding; only I believe, *Sir*, You are by this time very well satisfied, as to the Account I promised you, of the Temper, and Dispositions of this sort of People.

During the time of his being at Work, *Boswell* endeavoured to procure an *Order*, that no *Reeds* should be cut at the *Breach*; of which there is abundance growing in the *Levells*, and whilst these are standing, they serve, in some measure to break the Force of the Floods and Back-water, and are useful on that Account to an *Undertaker*. However, so small a favour could by no means be obtained; but *Perry* has an express *Order* to that purpose, from the *Commissioners* of *Sewers*; and though this Difference seems to be of a trifling Nature, yet it really shews the Temper of Men, and their partial Inclinations, in as a clear a manner, as any other Proceedings of much greater Consequence. Now can you think, *Sir*, that there is no sort of Metal clapt on to make a Byass of this very strong Propensity; or can you imagine, that there are no weighty Considerations to toss down one of the Scales with so much violence, when there is every thing in the other, that used to be reckoned valuable among the better sort of Mankind? No wonder *One* or *Two* of these forward and zealous Gentlemen, have set up their Coaches, since *Perry* built his House at the *Breach*; and where there was such a powerful Confederacy formed to ruin Poor *Boswell*, Mr. *Ward* might very well use that Expression, which he one day threw out at the *Breach*. *Well*—says he—*Let Boswell go on in his Work, with Fear and Trembling*—This was a very hearty Menace, and sounded harshly enough out of the Mouth of an Honourable *Trustee*; but we hope the Day is drawing near, when even the Great Mr. *Ward* himself may not possibly be without one or two cold Fits of the very same Dis-temper.

Whenever *Boswell* has shew'd any of his *short Cases*, or recited his *Hardships*, to such Gentlemen, as he imagin'd might one time or other be instrumental in bringing his Cause to a free and impartial Hearing ; he hath found in general, that the two main Arguments, which have been made use of by way of Answer to his *Case*, and appear to be the most prevailing in common Conversation upon this Subject, are these ; *First*, That the Board of *Trustees* consists of so many truly Honourable and worthy Gentlemen, that it can never be imagin'd they should lay any *Hardships* ; and next to impossible, they should impose any Wrongs or Injuries, upon an honest and fair *Contractor*. But the Reply to this is easy and natural : For this very Answer is really one of the worst and greatest of *Boswell's* Grievances, that there should be so many Gentlemen of so much Worth and Honour in the List of *Trustees*, who never appear'd at the Board. For had they constantly attended, *Boswell* had never been us'd thus ; or were they at this time to sit in Judgment over him, all his Rights and Interests should with the greatest Chearfulness imaginable be submitted to their Arbitration. But this Matter hath been fully treated of already ; and so much hath been said upon it, that I do not see there is the least Shadow of a Proof left behind this Objection. The *Other* Argument must be answered a little more at large ; and that is, that truly Captain *Perry's* Scheme or *Model* had the Approbation of those *Engineers*, to whose Judgment it was referred, and was by them preferred to *Boswell's* ; so that good and skilful *Engineers* being the best Judges of Works of this Kind, the World out of Regard to their Opinion, and relying upon their superiour Knowledge, will certainly expect a better Issue from *Perry's* Scheme than from *Boswell's* ; the former being so well approv'd, and the latter entirely rejected. Now, *Sir*, before I have done my *Postscript*, I shall produce that which will effectually answer this

and indeed all other Objections of the same Nature : But at present, I have enough to say, with regard to this particular Point, to convince any reasonable Creature, that there is really no great Force in this way of arguing ; and that in Fact, *Boswell's* Scheme hath been much better approv'd than *Perry's*. If the *Breach* had been a *Dry Breach*, of the *Military* sort ; and the *Works* required to make it up, of the same kind with those which belong to a *Fortified Town*, ; then indeed *Engineers* would make the best Judges in this Affair. But you shall have the Opinion of Collonel *Bennet* himself, who professes the same Art, upon this very Reference : Who declar'd that in Works of this Nature, *One good Mechanick* was a better Judge than a *Thousand Engineers*. Collonel *Armstrong* (one of the *Engineers*, to whom this Matter was refer'd) seems to have been of the same Opinion, tho' he is certainly a Gentleman of great Skill in *Military Affairs* : For he modestly declar'd, That this Undertaking of the *Breach*, was out of his Depth ; a Thing foreign to his Profession, and he did not pretend to be a competent Judge of it. As for Brigadier *Richards* (the other *Engineer*, concern'd in this Reference) he was indeed somewhat more peremptory in deciding the Difference between the several Models ; but however, he cannot easily take upon himself to determine, whether the Judgment he then gave were right or no ; because he really never did, nor would see or pursue *Boswell's* Model ; but as he was pulling it out of the Case to shew him, positively told him, *It would not do*. And as to Captain *Perry's* Model, I do not see how that can well be called by the Name of a *Model*, which was really no other than a *Sketch* or *Draught* upon Paper ; and it can never be conceiv'd, that any Set of Men, though very skilful and well-experienc'd, should ever be able to make so good a Judgment of such an imperfect Piece, as they could do of a full and compleat *Model* ; or guess with

with any Certainty at the Success of it, how far it was Practicable, and what were like to be the Consequences, when it came to be work'd upon and put in Execution. Thus, *Sir*, you may plainly see, that this Judgment or Reference, was never regularly and impartially made, that the Matter was really never under the Cognizance of proper Judges, and that if *Mechanicks* (which is certainly most true) are the best qualify'd to determine this Difference, *Boswell's* Model was then better approv'd than any other. The Truth is, *Boswell* never declin'd shewing or explaining his Scheme to any one, who had the least Reputation for Skill or Judgment in such Works, or was at all inquisitive about them; and where-ever he could hear of any Gentlemen, whose Taste or Genius lay this way, he made it his Business to find them out, and to converse with them upon the Subject of his Undertaking. When Mr. *Desaguliers* (a Gentleman well known in the World, for his Knowledge in the *Theory* of the *Mathematicks* and *Mechanicks*) was reported to have recommended a Model for the *Breach*, which consisted chiefly of *Pontoons*, and to have read some *Lectures* upon it; *Boswell* soon found an Opportunity to be with him, and was as ready to communicate his own Enquiries, as to learn any thing from a good Artificer, that might be of use to him at the *Breach*. He was once himself of the same Opinion, that *Pontoons* were a very good Method; and had accordingly made out Draughts of some, for that Purpose; which are still by him, being contrived in a very masterly Manner, and with great Skill and Judgment; as well for breaking the Force of the Floods and Back-water, as for the Conveniency of pouring in vast Quantities of Chalk, to fix them in their Stations and fill up the Angles on every side. But the Nature of the Ground at the *Breach* was such, that he soon found this Scheme to be impracticable, and that there was

Reason

Reason to apprehend, these *Pantoons* would blow up ; so that he was oblig'd to drop that Design, and proceed altogether by *Sluicing*, *Banking*, and *Piling*. The Reasons he then gave Mr. *Desaguliers* for this Opinion of his, he is very sure that Gentleman hath not yet forgot ; and if they were not of Weight enough to oblige him to alter his own Judgment, they had certainly so much Force as to prevail with him not to condemn *Boswell's* Project. So that on all these Accounts it is notoriously plain and evident, that *Boswell* hath in every Respect rendered himself as well qualified for the Publick Service, as could be expected from any *Undertaker* whatever, and hath fully and faithfully discharg'd the Part of an Honest, Skilful, and Well-meaning Artificer.

I am now, *Sir*, to acquit my self of the other Part of the Promise I made you ; which was to lay before you an Account of such Facts, as have arisen in Course of Time, since the latter End of *November* last. Before that Month expir'd, *Perry* writes to *Boswell*, to acquaint him, that a Storm had happen'd, which had blown up part of the Apron of one of his *Sluices*, and had done considerable Damage to his Works ; whereby some of his Materials were actually turn'd adrift, and others in Danger of being lost and destroy'd ; whereupon he propos'd to him, to send down any Servants or Agents, to take Care of such his Materials ; and *Perry* promises, that he would give free Leave and Permission to any such Servant or Agent to come down to the *Breach*, and take Care accordingly. Now, *Sir*, this is a new and fresh Acknowledgment of *Boswell's* Right to his Materials and Effects, even in the Opinion, and by the Confession of *Perry* himself : And withal, it is a very strong Argument for the Goodness and Masterly Contrivance of *Boswell's* Works, which now appear to have lasted so very long, notwithstanding all Storms and Floods,

Floods, and the Damages formerly done to them, which *Perry* never repair'd, but hath rather contributed to the utter ruining and demolishing of them. And this is still so much the more remarkable with respect to *Boswell's* Sluices, because they were the most damag'd part of his Works; the *Booms* and *Flood-gates*, belonging to those Sluices, being cut away and destroyed; so that they lay expos'd to every High-Wind and Tide, and to the rigours of the *Winter-Season*. But certainly it was none of *Boswell's* Business to concern himself any further in this Affair: For *Perry*, at his coming to the *Breach*, took Possession of all his *Effects* and *Materials*, and made use of some, and demolished the rest, according to his own Will and Pleasure. He looked upon every thing he found there as his own; and took upon him to pluck up, and pull down, to cut, alter, and convert, just as he pleased; but when a Storm happens, and any of the *Effects* or *Materials* are gone adrift, or in danger of being lost; then presently they become Mr. *Boswell's*, and he is sent for to look after them. This Rediculous Piece of *Grimace*, Capt. *Perry* imagines, may pass for a Point of Honour, or Justice: But I can hardly think he would be able to find a *Jury* of *Twelve* Men, capable of approving such Proceedings, among the Wildest and most Savage Inhabitants of the Dominions of *Muscovy*.

In *December* following, *Boswell* began to prepare Matters for a Hearing, and to put himself in a readiness against the approaching *Session* of *Parliament*. But so cautious was he of taking the least rash Step, and so tender of the Reputation and Welfare even of his Enemies; that he first wrote to Mr. *Ward* and Capt. *Perry*, to give them notice of his intended Proceedings, and to induce them, if possible, to alter their Measures; and by doing Him and the Publick Justice, prevent any further Trouble or Application for Redress. Neither of those Gentlemen hath as yet condescended to return any Answer

swer to what *Boswell* wrote : Only Mr. *Ward* was pleased to tell a Friend of *Boswell*'s, that he had received a *Nonsensical Letter* from him, and that *Boswell* stood in his own *Light*. This last Reflection is undoubtedly Just and True : *Boswell*, by standing so long in Mr. *Ward*'s way, hath most certainly stood in his own ; and had he closed with his Measures, might perhaps have been as much in his favour, as Capt. *Perry*. But he had rather bear these Reproaches of Mr. *Ward*, than make himself liable to the Censures of the Publick, and of his own Conscience ; and he hopes the Approbation of his Country, will make him some amends, for Mr. *Ward*'s Displeasure ; with whom he can never agree, in his Notions concerning *Light* and *Darkness*. As to the *Nonsense* contained in *Boswell*'s Letter, at which Mr. *Ward* seems to be so much offended ; Men of Candor will be easily prevailed with, to overlook and pardon it : For it can never be expected, that a plain honest *Mechanick*, such as *Boswell* really is, should write up to the Spirit and Elegance of Mr. *Ward* ; when he Harangues a *Vestry*, or Displays his Talent, before a *Board of Trinity-House-Masters* or *Commissioners of Sewers*. But however, that you may not say I have concealed any of *Boswell*'s Faults or Imperfections, you shall e'n take his *Nonsense* into the Account ; and I will here insert that very Letter at large, upon which Mr. *Ward* hath been so severe a Critick, without varying one Point from the Original : And I do this the rather, because there are some Things in it, which, in their homely Dress and plain Simplicity of Style, seem to plead more strongly for the Poor Sufferer, than any studied Expressions of a more artful and elaborate Epistle.

P

S. I. R,

S I R,

“ T H E time is drawing near, when I hope I shall see
 “ my self redressed, for the many Hardships I have
 “ undergone at *Dagenham Breach*. These Hardships, howe-
 “ ver severe they have been to me, will not provoke me to
 “ depart from the Resolution I have taken, to use only the
 “ most fair and honourable Means for doing my self Jus-
 “ tice. You will therefore pardon my Application to you,
 “ when you reflect, how great a Hand you have had in
 “ all my Sufferings; and that the Management of the
 “ *Trust*, reposed in the *Commissioners*, hath been chiefly un-
 “ der your Direction. I am very well satisfied, that a very
 “ considerable part of my *Contract*, was contrary to the
 “ *Act of Parliament*; that by a particular Clause in it, I
 “ ought at this very time to be in Possession of the *Breach*;
 “ that the Money paid to Capt. *Perry* was really due to
 “ me, it being Money arising from the *Duties* Collected in
 “ my Time; and my Works better deserved it, than any
 “ thing done by Capt. *Perry*, at the Time of his receiving
 “ it. I am also well assured, that I ought to be Relieved
 “ for the secret Injuries done to Me and the Publick, by
 “ those who conspired to ruin the Works, in the most
 “ Villanous Manner; besides what I suffer’d by Storms
 “ and Tempests. These things I am perswaded will deserve
 “ a favourable Consideration; and as I have a clear Title
 “ to the Effects I left behind me at the *Breach*, so I make
 “ no doubt of recovering a Reasonable Allowance for my
 “ *Scheme* and *Plan* of Working, and my Labour and Pain
 “ in bringing it so near a Conclusion; every thing I did
 “ being so well approved of, and Capt. *Perry* (as you well
 “ know) being now at length obliged to vary from his own
 “ Method, which was first proposed, and now comes in
 “ to mine. This, *Sir*, is my Case: These are my Dem-
 “ ands; and I think I have all the Equity in the World
 “ on my side, to call them by that Name, and to insist
 “ on them with the Authors and Abettors of my Suffer-

ing

ings. I intreat you, *Sir*, to use your Interest (which is
 so very great) for my Relief under each of these Arti-
 cles. I would owe to your Favour, what I can claim
 from your Justice; and I beseech you consider, at whose
 Door the Fault must lie, if an Enquiry should be made
 how the Works at *Dagenham* came to be so much a-
 bused, and neglected, and why they are still in so hope-
 less a way of being finished. When I had the Honour
 to wait on you last, you were pleased to say, the World
 would suspect you of Bribery, should you now approve
 my Works, after having before so often condemned them.
 But, *Sir*, you may remember, when you did approve them
 in a remarkable Manner; and you have had no Reason
 since, (unless my Misfortune can be your Reason) to re-
 tract that Opinion: And if Time and Experience may
 be allowed to make Tryal of Capt. *Perry's* Works and
 Mine, what Suspicion can you think the World will en-
 tertain of you, when they shall see notwithstanding this
 Tryal, how kind you have been to him, and how great
 an Enemy to me? You said, you were only as one Man to
 do good; but I beg you to have a better Opinion of the
Trustees, than to believe, that by exerting this Noble
 Faculty, you should loose your Interest among them.
 Since I do not envy your being so great a Gainer by the
Breach, I hope you will not suffer me to be so intolerable
 Loofer by it. You know, *Sir*, the *Act* was made for
 the Relief of Men under a Calamity; and why should
 such an *Act* be made the greatest Calamity to me, I
 should possibly undergo: When all the World Commiser-
 ates my hard Circumstances, can you believe I shall find
 any Body able or willing to Relieve them. If I have at
 any time stood in your way, or been the Instrument of
 disappointing you formerly, I hope you will not think
 you ought to Revenge your self by the Ruin of me and
 my Family. It is my esteem for you, as well as concern
 for my self, that makes me thus troublesome. If I am still
 to be Repulsed by you, I desire you will then excuse my
 ing

“ Application elsewhere, and give me fair leave to Right
 “ my self, in the best manner I can. Your answer by a
 “ Line or two, will be a great favour to, Sir, your
 “ most humble Servant,

William Boswell.

To *John Ward*, Esq; at *Hackney*.

This *Letter*, Sir, is, in every the minutest Part of it, an exact Copy of the *Original*; and let Mr. *Ward* peruse and compare it, at his Leisure. But where the *Nonsense* of it is, I must freely own, I am not Critick enough to discover; neither can I, with any Pretence of common Justice, come into the Severity of Mr. *Ward's* Reflections. His own *Epistles* may, so far as I know, be very fine and entertaining; but if those of his Friends, which have been written upon this Subject of the *Breach*, were to be made Publick, and to stand the same Test, I cannot think they would be found much freer of *Nonsense*, and I am sure not so full of Truth, as this *Letter* from *Boswell*. You see, Sir, the overflowing of Mr. *Ward's* Gall, and the Excess of his Spite to *Boswell*: For he is not contented to strip him of his Money, and to take from him his good Name; but he would also, if it were in his Power, deprive him of his common Sense and Understanding.

After *Boswell* had made this Application to Mr. *Ward* and Captain *Perry*, the next regular Step to be taken was to apply himself to the *Trustees*; and if no Relief could be had there, his Cause lay directly before the *Parliament*, and no Objection could possibly be started against the orderly Course and Method of his Proceeding. But here new Difficulties arose, and he found it as hard a Matter to obtain an Audience of one of these Courts at *Guildhall*, as if they had really been some *Private Club*, whose Meeting was intended to be secret, and where none were to be admitted, but those who had been favour'd with some particular Invitation. The *Assembly*

rects, That the *Trustees* should publish *Advertisements* for receiving *Proposals*, in the *Gazette*; and one would think, this were sufficient to shew the Meaning of that *Act*, as to the manner how all other *Courts*, as well as that for receiving *Proposals*, should be held and summon'd: But however no such Provision being specially made, Mr. *Ward*, and his Friends, have taken the Liberty to depart from this Precedent let by the *Act*, and after the first *Court*, held for receiving *Proposals*, have order'd all others to be summon'd and call'd by *Private Summons*, made out from the *Secretary*; which is a much more expensive Way of summoning, than if it were done by an *Advertisement* in the *Gazette*. But this Method is of great Use to those who are in the Secret. For Care is taken, that many of these *Summons* never come to the Hands of the *Trustees*, for whom they are made out, whereby they are prevented from attending; and the Time from the Date of the *Summons* to the meeting of the *Court*, is most commonly so very short, that the *Summons* often comes to Hand, after the *Court* is over; sometimes upon the very same Day, and generally speaking, so very late, that it is next to impossible the better Part of the *Trustees* should meet at all; and then Mr. *Ward*, and his Confederates, carry all Things smoothly before them: For as to any Complaints of their Fellow-Subjects relating to the *Breach*, nothing of this sort can give them any Trouble or Interruption, because all the aggriev'd Parties are intirely excluded; since they can never come to know, unless it be by a very lucky Chance indeed, when there is a *Court*; and if ever they should happily meet with an Information of that sort, it must come so very late, that they cannot possibly be in a Readiness with *Papers* and *Fersons*, to justify their Grievances, and maintain their Cause. So that here is a plain Combination to defeat the *Act*, to cut the Subject off from that very Right of *Petitioning*, which even the Crown it self allows, and to deprive him of a free

free and open Resort for Justice. But notwithstanding all these Difficulties, *Boswell* was as industrious and indefatigable as could be expected. He resolv'd at any Pains and Expence to make his Way, if possible, to one of these *Courts*, having prepar'd his Papers, and prevail'd with some Honourable *Trustees*, whenever a Summons was sent to any one of them, that they would be pleas'd to give him Notice. At length, by very great Accident, an Opportunity offer'd it self: For, about the Beginning of *January*, a *Court* was order'd, for the advancing the further Sum of 3000 *l.* to *Perry*, and *Boswell* had timely Notice of it. To this *Court* he therefore repairs, and was ready to make good his Complaints, and deliver in his *Petition*: But when he was seen walking in *Guildhall*, and some *Trustees* were observ'd to be ready, whose Faces were not very acceptable to the Cabal; in a little time Word was brought, That the *Court* was put off, and there would be no Meeting that Day: And when *Boswell* complain'd of these Proceedings to the *Secretary*, he was ask'd very gravely, *What Business he had at any of their Courts?* Which Question must certainly appear a little surprizing, because the *Trustees* had engaged to determine some Matters in Dispute between *Boswell* and *Perry*, as to the Effects and Materials remaining at the *Breach*: And therefore *Boswell* had certainly some Business with the *Trustees*, even according to their own Account of Things; and this the *Secretary* could not but be well acquainted with. However it was absolutely necessary he should be out of the Way, when Matters of much greater Moment were upon the Anvill; and Care was to be taken, that he should not be so well provided against the next Meeting. Accordingly, the *Court* was held, without his being able to obtain any Notice of it, and whilst he was abroad upon *His Majesty's* Businels (which his Enemies could at any time be inform'd of, at the *Navy-Office*) And at that *Court*, *Perry* receiv'd 3000 *l.* which

which, with the Money before advanc'd on Account of the *Breach*, amounts in all to 15000*l.* not deducting the 1000*l.* he owes the Government, for a *Fine* formerly laid upon him, in the Reign of King *William*.

This is the present Posture of Affairs between the *Trustees* and *Boswell*. When he formerly deliver'd in a *Memorial* to them, insisting upon his Right to the Undertaking, and complaining of all his intolerable Hardships; upon the dismissing and rejecting of that *Memorial*, he had certainly Reason enough to believe, that it was in vain for him to make any further Application to them; and if he had from that time declin'd it, he could never have wanted a sufficient Apology and Excuse, among all honest and impartial Men: But he was willing to make one Tryal more, and thought perhaps he might have an Opportunity of seeing some other *Trustees* at the Board, besides those, who have hitherto made a constant and never-failing Majority in favour of Mr. *Ward*. Now this last Effort hath miscarried, and since there seems to be a Design form'd to debar him from any future Application of this sort, he is certainly entirely at Liberty to resort elsewhere; the Way is open, and his Address to the *Parliament* must appear to be regular enough; the Publick Cause being so far interwoven with his own, that it does not seem capable of being decided by any lesser Authority or Jurisdiction.

During these Proceedings of *Boswell*, a Discovery was made of one of the most villanous and wicked Designs, hatch'd and contriv'd against him, that the most spiteful and malicious Enemy could possibly devise or invent. For just before the Expiration of the *last Term*, he had Notice given him, that for some time last past, there had been a clandestine *Law-Suit* carried on against him, at the Suit of one *William Gordon*, in the Court of *Common Pleas*, upon pretence of a *Trespas*; which in less than 24 Hours, would come to an *Outlawry*, if it were not superseded. It was happy for him, that he had just Time
enough

enough to put a Stop to this wicked Proceeding: For if the *Outlawry* had stood out against him, both He and His had been seiz'd and secur'd, his House ransack'd, his Family put into the utmost Consternation, perhaps to the endangering of some of their Lives; and himself made for some time a Dead Man in Law, and render'd incapable of appearing any where, or in any Cause; being without Right, and without Redress, and for a long while debarr'd from all the Privileges of a Subject, and entirely divested of his Civil Capacity. This Contrivance, carry'd on in this manner, under the Form and Colour of Law, must on that Account appear so much the more heinous and abominable, to all true Lovers of *Liberty* and *Property*: And who can sufficiently express his Indignation and Horror at the Recital of so much Cruelty and Oppression; by which the most honestest and most innocent Man alive might be plung'd at once in inevitable Ruin, and secretly stab'd in the Dark, without Notice of the Blow, or Knowledge of the Hand that gave it? *Boswell* is a Man who daily walks the Streets, secure in his own Innocence, and the Protection of the Laws: He is oblig'd by his Office, to a constant Attendance at the *Navy-Board*; and when he is abroad upon the KING's Business, the *Minutes* of the *Navy-Books* may let any one see, where he is to be found at any time, when he is absent from his own Habitation. His Character hath always been such, that he could not imagine, there had been a Man in the World, capable of being provok'd to such a Degree of Malice and Resentment against him: On the contrary, 'twas this very Character, that prevail'd with a Gentleman belonging to the Court where this Affair depended, a perfect Stranger to his Person, to disclose the whole Intreague to him, and prevent his Ruin by a timely Information. It was a long time before he could discover, either by his Books or Accounts, or by a strict Enquiry among his Friends and Acquaintance where his Business and Dealings

lings lay, who this *William Gordon* the Plaintiff should be : He endeavoured to find out by Study and Recollection, whether there ever was a Man of that Name in the World, with whom he had transacted any sort of Affairs, or been any way concerned Directly or Indirectly, in any manner of Business or Correspondence whatever : But still he was unsatisfy'd, and at a Loss to find his Advantary ; till some of his Friends undertaking for him to sist the Attorney, who had been employed in the Prosecution, he was at length, by their Management, informed, that the Plaintiff was by Profession a *Soap-boiler*, and had formerly been a Partner with another of the same Trade, with whom *Boswell* used to deal in that Commodity for the Use of the Navy ; and upon searching further into this Affair, he found that the two Partners had some Time before divided Stocks, and were now become separate Traders ; whereby a supposed Debt of *Boswell's*, for two *Firkins* of Soap, had been set off to *Gordon's*, one of the Partners, Account ; so that this Action of *Trespass* is at length dwindled to a *Book-Debt*, of no greater Value than three Pounds Five Shillings. For which mighty Sum *Boswell* was to be ruined and undone, without any Notice or Demand, or so much as a Letter or Note of Advice, or the sending in of a Bill, as is usual in the way of Trade ; nay, without the Formality of an Arrest, which, if it had come upon him by Surprize, would have been severe enough in the Judgment of all honest Men ; but yet a very great Kindness, in Comparison of that other way of Proceeding, which is plainly dishonourable and villainous. For, Sir, that nothing may be wanting to shew you this Fact in it's true Light, you are to know, that *Boswell* cannot at this very time say, whether he really owes what he stands prosecuted for, in so extraordinary manner ; and his Dealers know very well, that it hath always been his Method, and is so still, to pay with ready Money for these lesser Parcels of Goods, which are delivered at the time of the Purchase made ; and the

contrary Practice would be not at all for his Interest and Advantage. When I talked with him last upon this Subject, he assured me, that though it was not usual to take *Receipts* upon every such trifling Bargain, yet he would look over those he had, and hoped he should be able to find one, that would acquit him of this Demand, and render the Prosecution still more odious and detestable. *Boswell* is so much the more concerned to hear of a Demand of this kind, though it be for a mere Trifle; because his manner of Dealing for the *Navy*, hath been always such, as to intitle him to a Character, which he cannot be too Zealous of preserving, and to procure for him the Favour and Approbation of his *Superiors*. He would not be accused of being Tardy or Negligent in the most trifling Matter, nor have the least Colour of an Objection of this kind brought against him, upon any Pretence whatever. Though he has had so many and such great Losses, yet he was never tempted to involve others in his own Ruin, and took care in particular, that his Accounts relating to the *Breach*, should never interfere with those, belonging to his Office in the *Navy*: Of this I can give you a remarkable Instance; for he was preparing to make up his Accounts with the *Navy-Board* soon after his being dismiss'd from the *Breach*, when his Hardships and Misfortunes were at the height, and lay with all their Weight upon him; and though there was then a Charge of near 1000 *l.* standing out against him, yet when he came to adjust that Charge in the proper Office, it appeared upon the *Ballance*, that he was *Creditor* to the *Publick*, even at that time when he had been so much a Sufferer in his private Capacity: And for the Truth of this, I appeal to the *Navy-Books*, and to the Justice and Honour of those very worthy *Gentlemen*, by whom the Office of *Commissioners of the Navy* is at present executed with so much Vigilance and Integrity. But of this only by the way: I return now to *Gordon*. When he was pressed to declare the Reasons of his proceeding against *Boswell*, he ex-

cused

and
 Sub-
 take
 ould
 le to
 ren-
 Bos-
 mand
 se his
 such
 be too
 avou
 be ac
 rishing
 of this
 tever
 , ye
 Ruin
 elating
 elong
 ve you
 take u
 being
 Mis
 Veigh
 of nea
 me t
 d upo
 , eve
 rrrer i
 I ap
 Monou
 fice o
 with
 by th
 to de
 he ex
 cuse

cosed himself by saying, he was sorry for what was done;
 that he would put a Stop to the Prosecution; and that he
 had left the whole Affair to the Management of his *At-*
torney; with whom the Matter rests, at present, till that
 Gentleman is pleased to unravel the whole Intreague,
 and for his own Sake to discover, at whose Instigation
 he was prevailed with, to attempt the Ruin of a Man in
 such a manner, as is by no means to the Advantage of
 his Character, or the Credit of his Profession. Upon the
 whole, *Sir*, I must appeal to You, and to all the Judici-
 cious and Disinterested part of Mankind, whether you do
 not really believe, that this Contrivance was set on foot
 and managed by some of *Boswell's* Enemies on Account
 of the *Breach*; in order to blast his Pretensions, and cut
 him short in his Pursuits after Redress and Justice. You
 know very well, that *Actions of Trespass* are, generally
 speaking, the most uncertain and vexatious of any other
 whatever: Why should this *Action*, which was in it self
 an *Action for Debt*, be turned into a *Trespass*, unless it
 were to make it pass for something Considerable, under
 that uncertain Name; whereas if it had come forth in its
 own Name, and the Sum demanded of the *Defendant* had
 been specified, still it must have appeared to be so much
 the more trifling, and by no means fit to be prosecu-
 ted, with so much Rigour and Severity? Why should a
 Man in Trade, or an *Attorney* in Business, both Strangers
 to *Boswell*, and who had certainly no Pique or Quarrel
 against him, joyn to carry on such a mischievous Contri-
 vance, which had certainly ended in his Ruin; when all
 the Money that either the *Plaintiff* could recover, or the
Attorney get, by carrying the Cause, could never make
 amends for the Scandal and Infamy of the Prosecution,
 or repair the Damages, which such a Character must cer-
 tainly do the Tradesman in his Dealings, and the Law-
 yer in his Practice? These things can never be well
 accounted for, but by drawing this natural Inference,
 that such secret Contrivances require a secret Inducement,

P O S T S C R I P T.

and there must be some extraordinary Reason for such extraordinary Proceedings: For Mankind cannot be so far fallen, nor so easily corrupted and over-run with such a savage Disposition, as that one of the same Species should fall upon, worry, and devour a Stranger, who had never injured or affronted him; when at the same time the Loss and Disadvantage that would certainly accrue to the Assailant, was much greater than any Gain or Profit he could possibly hope for, from such a Piece of Barbarity; unless (as I before hinted) he were bribed to do the Work, and privately tempted to it by some extraordinary Recompence, as the Hire of his Services, and the Wages of his Iniquity. *Boswell* is in hopes, that one or both of these Gentlemen, will relent in time, and make him some Satisfaction, and themselves some amends, for the Hazard he hath run in his Fortune, and they in their Characters, by a free, generous and open Confession; and he hath still the Charity to believe, that neither of them is perhaps truly sensible, what misguided Tools they have been made; and that it may be they are in a great Measure ignorant and unappriz'd of what they have been put upon, and of that excessive Villany and Injustice, to which their Names have been prostituted. The Authors and first Movers of this Design do not deserve any Fidelity from their Under-agents; and 'tis in vain for them to think of making a Secret of that, which every one may see into, who can draw a natural Consequence from such plain and obvious Premises. For, Sir, if you consider rightly the Critical *Juncture* and exact *Timing* of this Intreague, you can never be at Loss to guess at the true Rise of it, or have any Scruple remaining with you, concerning the Authors and Contrivers of this wicked Expedient for the compleating *Boswell's* Ruin, and setting the last Hand to his entire Overthrow. The *Outlawry* was to have been taken out the last Day of the last Term, that is, upon the 12th Day of February, which is just eight Days before the opening of the present

present *Session of Parliament*: And what other Meaning then could these Men in all Probability have, than to barr and foreclose *Boswell's* Applications to the *Parliament*, by depriving him of his Liberty, by loading him with fresh Expences, by taking from him his most invaluable Treasure and Support, his good Name and Reputation, and by stripping him at once of all the Rights and Priviledges belonging to a Free-born *Subject*, and an *English-man*. 'Tis true, such an Oppression could not have lasted long, and a few *Terms* more had restor'd him to his former State; but however it might have lasted long enough for their Purpose, who contriv'd it; *Boswell's* best and fairest, and perhaps his only Opportunity had been gone; his Enemies in the mean time would have strengthened themselves; and before the *Courts of Westminster* could have given him Relief, had perhaps finished their Project, made sure of his Ruin, and render'd his Case utterly hopeless and desperate. But enough of this: I shall add no black Colours to that, which is in it self of so very dark a Complexion; nor will I multiply unnecessary Aggravations in a Cause, where every honest Man must be provok'd to think, beyond what the most exasperated Sufferer himself can be able to express. Let it suffice to say, that an Attempt of this kind, to deprive an innocent Man of every thing that can render Life it self sweet and desirable, falls little short even of premeditated wilful Murder; and will be so accounted, in the Judgment of all those, who have any Regard to Conscience, or any Sense of Religion, or even common Morality.

At the Conclusion of this *Postscript*, I shall lay before you, *Sir*, an *Estimate*, or *Calculation*, which will plainly shew you, at one View, both the *former* and *present State of the Breach*; and by which you may adjust, as well *Perry's* as *Boswell's* Pretensions; in such a manner, that there does not seem to be any room for Mistake or Fallacy; and after the making of this *Computation*

tion, I cannot well imagine, what *Boswell's* Enemies will be able to object, or how they can possibly defend their *present Undertaker*. I dare persuade my self, that *Boswell* will risque all his Cause upon this Issue, and the Publick will then be able to judge and determine, with the utmost Exactness, how they have been serv'd; on what Account their Money hath been expended; and who is best qualified and most likely to do the Business requir'd by the *Act of Parliament*.

For the better Working up of this *Scheme* and *Estimate* to a compleat *Demonstration*, I shall first set down, how many *Feet* the *Breach* or *Gulph* contains; or in other Terms, how many *Feet* the *Work* ought to consist of, which must fill up or stop the *Breach*, so as to stand out against all Storms and Weathers, and make it as firm as it was before, or as it still is, in the other adjacent Parts of *Dagenham Levels*: Then I shall fairly compute, how much of this *Work* was actually done by *Boswell*, and how much hath been since done by *Perry*, according to an Account taken of the *present State* and Condition of the *Breach*, now under his Management, this 11th Day of *February* 1716. After this, it may easily be seen, what *Proportion* there is between *Boswell's* Work and *Perry's*; and how much the former wanted, and the other still wants, to finish: Whence any one may readily gather and conclude, which of these Two is the best and ablest *Undertaker*, and how much *Perry* hath really earn'd of the Publick Money, which he hath actually received; as also how much of the Publick Money, which *Boswell* demands, he very honestly deserves, and hath actually expended.

The *Breach* is in Length 450 *Feet*, from end to end: the *Breadth* of it is 100 *Feet*; so much being necessary to make the *Bank* or *Wall*, equal to the other *Banks* and *Walls* of the *Levells*, which are still Firm and Secure. It is in *Depth* 45 *Feet*, from above the highest *Tides* in the *River* to the lowest *Sounding* at the bottom. Now *Boswell*

POSTSCRIPT.

well's Works, deducting the 30 *Foot* Gap in the middle, were 420 *Feet* in *Length*; and though they were 160 *Feet* in *Breadth*, yet no more than 100 *Feet* being absolutely necessary to the stop (the other 60 serving only as a greater Security, and for Allowances for what might be batter'd and washed away by the *Tides*) we will therefore, to his Disadvantage, compute this Measure only at 100 *Feet*. The *Depth* of his *Works* was 38 *Feet*, even in the lowest Account: For though they rose above the *highest Tides*, and to more than 45 *Feet*; yet not being filled up with *Chalk* so high, we deduct more on that Account than the just *Medium* amounts to, according to the *Scale* of his *Model*, compared with his *Works*, so far as they were filled up and secured. As to *Perry's Works*, in the Condition they now stand, we must Deduct for the sloping of the Shore at each end, and for a Gap of more than 60 *Feet*; so that the Account is to his advantage, if we set his *Length* at 155 *Feet*: And in the same manner, we will reckon his *Breadth* at the full Measure of 100 *Feet*, though the *Works* do not yet amount to quite so much. His *Depth* is not above 15 *Feet*; because after the Tide of Flood is risen one *Foot* above *Low-water*, all his *Works* are out of sight; nothing being to be seen but his *Wheels* and *Machines*, which stand aloft in the Air; and are indeed no better than mere out-side shew, and an useless Amusement for unthinking Passengers and Spectators.

In *Fact* then, the whole Account, upon a fair Survey and Calculation, more to *Perry's* than *Boswell's* Advantage, stands as followeth:

The Breach contains Feet,	
In Length,	450.
Breadth,	100.
Depth,	045.
Total of Square	} 2025000.
Feet is	

Boswell's

POSTSCRIPT.

Boswell's Works are in,

Length, 420.

Breadth, 100.

Depth, 038.

Total of Square Feet is } 1596000

Perry's Works are in,

Length, 155.

Breadth, 100.

Depth, 015.

Total of Square Feet is } 232500

Whence it follows, that *Boswell's Works* contain more than *Perry's*, 1363500. *Boswell* wanted to finish, 429000. And *Perry* wants, 1792500. The Proportion between what *Boswell* did, and what remained to be done, stands thus,

Work done { 78 Parts in
100

Remans { 22 Parts in
100

The Proportion between what *Perry* hath done, and what remains, stands thus,

Work done { 12 } Parts in
100

Remains { 88 } Parts in
100

Every 2
at

P O S T S C R I P T.

Every one is Master enough of as much *Natural Arithmetic*, as will qualify a common Judge to go thro' and adjust this Account; by which all Differences between *Perry* and *Boswell*, as to their Services, Rewards, and Merits, may be very easily and exactly determin'd; and let *Perry* produce what *Certificates* and *Surveys* he will, unless they can shew wherein this *Calculation* is wrong in its *first Principles*, that is, in the *Measurements* of the *Works* (which I am very sure are most just and true, and exactly agreeable to *Fact*) they can do him no manner of Service. Now, *Sir*, if *Perry*, during the best Seasons for such a Work, that could be expected; and with the Advantage of *Boswell's* Scheme, to set out upon, hath been able in fourteen Months Time, to do no more than twelve Parts in a hundred of his *Work*; how can he compare himself, as an *Undertaker*, with one, who, in half that time, and under all imaginable Disadvantages, performed no less than seventy eight Parts in a hundred of his *Work*; and to whom does he think all Mankind will adjudge the Preference? He hath actually received 15000 *l.* out of 25000 *l.* that is, three Parts in five of his Money; and fourteen Months out of twenty four of his Time are expired: but he still wants eighty Parts in a hundred of performing his *Work*: Where then is the Prospect, and how can he hope to succeed? It is impossible but the World must plainly see this Disproportion; and where there is such vast Improbability of going through with the Undertaking, it is high time to look after the *Security*; when the Publick Money hath been lavish'd upon so promising a Project. I hope Mr. *Perry* does not expect, that because he hath had 15000 *l.* for twelve Parts in a hundred of his *Work*, therefore he ought to be paid in *Proportion* for the remaining eighty eight: If there must be a *New Duty* lay'd, and a much heavier *Tax* upon the *Navigation*. But should he plead, that all this 15000 *l.* is not lay'd out upon the

R

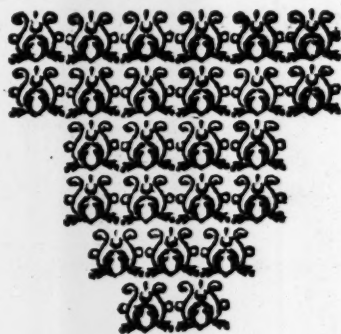
Breach

Breach, then let him shew to whose, and what Uses it hath been paid; and why since it was received, it hath not been expended, as the *Act of Parliament* directs. On the other Hand, since *Boswell* wanted only twenty two Parts in a hundred of his *Work* to finish; let any Mortal judge, whether the *Damages* done to those Works, the depriving him of his *Time*, the over-ruling him in his *Contract*, and turning him away from the *Breach*, were not a very great Loss to the Publick, which ought to be severely accounted for. I would also ask any indifferent Person, who has the least Regard for common Honesty and Justice, whether if *Boswell* did seventy eight Parts of the *Work* at the *Breach*, to *Perry's* twelve (as it plainly appears he did) he does not, on that Account, much more justly and honestly deserve nine or ten *Thousand Pounds*, which is more than he demands; than *Perry* can possibly be suppos'd to deserve the Sum of 15000 *l.* which he hath actually received? Were Things to be brought to a fair and equitable Compromise, and had *Boswell* really received for his share of the *Works* 8000 *l.* out of this 15000 *l.* still according to the strictest *Calculation*, and such as even *Perry's* Friends themselves could never be able to find Fault with, the other 7000 *l.* would vastly over-pay him; and including his *Canals*, *Wheels*, and other unnecessary *Machines*, amount to about 2000 *l.* more than he hath yet earn'd by fair Labour, or honestly laid out and expended upon the *Breach*.

Sir, I shall not labour a Point so clear in it self, nor hang any longer upon a Cause, which does not now seem to admit of any the least Shadow or Appearance of an Objection. I have brought this whole Affair to such an Issue, that whoever can doubt any longer, whether there have not been very great *Frauds* and *Abuses* at the *Breach*, must certainly shew himself to be wilfully blind and ignorant, or wholly over-run with Prejudice and Partiality. I assur'd you, in my *Letter*, that *Boswell's* Case

would

would appear to you to be without Precedent : and, I believe, I may by this time take it for granted, that I did not bespeak your Judgment, but upon good Grounds, and with full Assurance, that I should be able to support my Allegations, by the clearest Proofs and strongest Evidence. What the *Present State* of the *Breach* is, I have also shewn so fully and plainly, that I may at least expect every disinterested Reader will concur with me in their Opinion of it, till these *Facts* shall come to be disprov'd by those, who are so nearly concern'd in the *Present Undertaking*. Let them defend themselves as they can : I have brought the Cause to a *Demonstration*, and there I shall leave it. For, *Sir*, if *Demonstration* be of no Force amongst Men, 'tis in vain for me to think of prevailing with them, by any other Argument.



F I N I S.

ERRATA

Page 6. Line 20. For *William Jackson*, read *George Jackson*. P. 14. L. 12. for *Chaldron* read *Chalder*. L. 7 from bottom, for *at large*, read *more at large*. P. 32. L. 33. dele *have*. P. 34. L. 12. dele *above*.

2 1 1 7

